# Topicality – CNDI 2014

#### Resolved: The United States federal government should substantially increase its non-military exploration and/or development of the Earth’s oceans.

# Negative

## Non-Military

### Non-Military 1nc

#### A. Interpretation: “non-military” means the plan cannot be associated with the military

Oxford ‘14

Oxford Dictionaries, 14 (http://www.oxforddictionaries.com/definition/english/non-military)

non-military

Line breaks: non-military

Pronunciation: /nɒnˈmɪlɪt(ə)ri /

ADJECTIVE

Not belonging to, characteristic of, or involving the armed forces; civilian:

the widespread destruction of non-military targets

#### B. Violation – using the military in a non-combat role *is still military* exploration / development because it employs the military structure

Brown 12

[Sylvia Brown, DPhil from the University of London, “Youths in Non-Military Roles in an Armed Opposition Group on the Burmese-Thai Border”, Thesis submitted for the degree of Doctor of Philosophy in the¶ Department of Development Studies, School of Oriental and¶ African Studies, University of London, http://eprints.soas.ac.uk/15634/1/Brown\_3434.pdf]

a) Definition of key terms

The term ‘youth’ is understood in this study to be a socially constructed emic term which, like all social constructions, is not static, but continually re-defined by society based on the social context of the time. The term ‘non-military’ is used here to refer to roles which are not located within army or militia structures. Since roles within military structures involve both combat and non-combat roles (army cooks, porters, signallers and engineers, for example), the term ‘non-combat’ can be used to refer to ancillary roles within a military, which are not the focus of this study. This study is concerned with participants outside the armed wing of an armed opposition group entirely, for instance, within its administrative apparatus or mass organisations.

#### C. Voting Issue

#### 1. Limits – allowing non-combat military affirmatives expands the topic to include affirmatives like counterterrorism, anti-piracy, search and rescue, or sanctions enforcement – these affirmatives require us to research a vastly different literature base at the expense of core topic questions.

#### 2. Ground – the non-military counterplan is core negative ground. Their interpretation allows the affirmative to avoid agency tradeoff and military readiness disadvantages, which are vital components of the negative arsenal, especially given the unwinnable nature of the politics DA.

### Ext. Violation

#### Using the military for a non-military role is not the same thing as non-military exploration or development

Benko ‘85

[Served as the legal adviser to the German Delegation in the UN Committee on the Peaceful Uses of Outer Space (UNCOPUOS) from 1979-2013; teaches space law & policy at Aachen University of Applied Sciences (Faculty of Aerospace Engineering)(Marietta, Space Law in the United Nations, p. 176]

The vast literature on the subject shows, in space law, two major interpretations of'peaceful': that of non-military and that of non-aggressive53. In international law 'non-military’ is defined as the prohibition to use outer space for military activities in times of peace, whereas 'non-aggressiveness' refers to the permission to use at least partial military precautions. The term 'non-aggressiveness' includes the possibility to apply military activities in outer space law-fully as long as those activities do not aim at direct attack in the sense of the United Nations definition of 'aggression'.

The concept of non-aggressiveness is, from the political point of view, therefore a much broader one than the non-military one: it permits among other things almost all present activities in outer space such as those of 'spy' satellites, interceptor satellites, remote sensing satellites of a certain type as well as laser beam experiments and the use of nuclear power in outer space.

At this point it begins to be difficult for those among us who are in favour of peace on Earth as well as in the rest of outer space, because many outer space activities, scientific or not, have up to now been executed by military personnel\*; so that, if we had to get rid of the 'non-military', this would mean that space research as it stands would become impossible. But it would be difficult, if not impossible, to discontinue space research, the more so since international law, and, to a smaller degree space law, do not forbid the use of outer space for military purposes.

#### “Non-military” means only civilian activity---even peacetime activity of military forces is excluded

Bunyan 6

Tony Bunyan, Director and Editor of Statewatch, “Essays for an Open Europe”, http://www.statewatch.org/secret/essays2.htm

There are a few other aspects to the Solana decision which are worrisome. First, the phrase "non-military crisis management" refers to civilian aspects of crisis management, such as police and judicial co-operation. This would exclude, for example, access to all documents relating to the new EU rapid-reaction paramilitary police force, even with regard to policy-making matters. Second, the Solana decision allows international organisations such as NATO and third countries such as the US to veto a citizens access to documents if the documents have been drawn up by or in conjunction with them. For all the rhetoric of the EU on the need for greater transparency only the Netherlands, Sweden, and Finland voted against adoption of the Council's Solana decision.

### Ext. Limits IL

#### Prefer a *strict and precise* interpretation of “non-military” – malleable interpretations of the term make *almost anything* topical

Wuerzner ‘8

Carolin Wuerzner, Former Editorial Assistant for the International Review of the Red Cross, Now Working with UNHCR, “Mission Impossible? Bringing Charges for the Crime of Attacking Civilians or Civilian Objects Before International Criminal Tribunals”, December, http://www.icrc.org/eng/assets/files/other/irrc-872-wuerzner.pdf

In order to clarify better what constitutes a military objective, there have been attempts to draw up non-exhaustive lists of objects that are generally recognized as military objectives. The ICRC, for instance, made such an attempt in 1956.40 The defence counsel in the Strugar case also gave a list of examples of military objectives, namely buildings and objects that provide administrative and logistical support for military objectives, as well as examples of objects that in certain circumstances may constitute military objectives: transport systems for military supplies and transport centres where lines of communication converge.41 It is, however, impossible to rely on a list in order to define the term ‘military objective’. Practically everything can become a legitimate target, as long as two conditions are cumulatively met: the object’s contribution to military action must be ‘effective’, and the military advantage of its destruction must be ‘definite’.42 Both criteria must be fulfilled ‘in the circumstances ruling at the time’.43 Furthermore, in this definition of the term ‘military’ the said advantage and contribution are strictly limited to what is purely military, thus excluding objects of political, economic and psychological importance to the enemy.44

#### Including military operations other than war makes ‘non-military’ meaningless and explodes the topic

Stepanova ‘2

[Candidate of Historical Sciences (E.A., Military Thought: A Russian Journal of Military Theory and Strategy, “MILITARY OPERATIONS OTHER THAN WAR (THE U.S. VIEW)” <http://eastviewpress.net/Files/MT_FROM%20THE%20ARCHIVES_No.%203_2010_small.pdf>]

The term “operations other than war”\* itself is formulated by the rule of contraries, stressing their specifics as opposed to conventional military operations. The change of terminology was also supposed to symbolize the difference of the new concept, which placed a special thrust on the non-military character of humanitarian, peacekeeping, and other suchlike operations, from the 1970s-1980s theory of low-intensity conflicts where they were regarded as less intensive military operations. The concept of operations other than war is by definition rather blurry: In U.S. society itself, there are plenty of versions of their definition and classification, as reflected in the relevant documents by the Joint Chiefs of Staff, the Department of Defense, U.S. Army field manuals, and so forth.2 The U.S. military doctrine specifies the following main types of operations other than war:¶ Humanitarian operations in crisis zones that for their part include the following: assistance in natural disasters and other emergencies (say, man-made disasters); assistance to refugees and displaced persons; ensuring the security of humanitarian operations (facilitating access for international humanitarian organization and service officers to disaster areas, and protection of humanitarian personnel, columns of refugees and areas of their temporary accommodation, humanitarian aid convoys and depots as well as seaports and airports used to deliver humanitarian aid); and technical support—say, in “humanitarian mine-clearing” (not directly connected with military necessity).¶ Peace support operations: peacekeeping operations, contingent on consent by the belligerents to the presence of peacekeeping forces as well as non-use of force to the extent possible, even in self-defense—say, the UN operation in Cyprus (since 1964) or Cambodia (1991-1992 and 1992-1993); and peace enforcement operations, with none of the aforementioned limitations—e.g., NATO operations in Bosnia (since 1995) and Kosovo (since 1999).¶ Counterinsurgency and nation assistance (assistance in creating local (national) security agencies—training, arming, technical and information support; humanitarian and other non-emergency assistance, etc.).¶ Support for insurgency (guerrilla) movements in other countries (support by the U.S. military-political leadership for the mujahedin in Afghanistan in 1979-1989).¶ Noncombatant evacuation operations in zones of conflict or man-made disaster (e.g., 1991 operations to evacuate U.S. and other citizens from Somalia and Zaire).¶ Sanctions enforcement (e.g., the 1993 operation along the Haitian coast) and no-fly zone enforcement—in Iraq (since 1992) and in Bosnia (since 1993).¶ Show of force (patrolling by U.S. Air Force of insurgency bases in the course of a coup attempt in the Philippines in 1989).¶ Non-combat operations also include short-term actions to deliver pinpoint strikes, controlling proliferation of weapons of mass destruction, arms control (inspections), and interagency military contacts.3¶ Although U.S. military doctrine provides for military participation in operations other than war mainly abroad, it allows for the use of armed forces in operations other than war also domestically. This includes support for civilian authorities—in dealing with strikes, emergencies and natural disasters as well as in search-and-rescue, humanitarian, and other operations; law enforcement agencies—in restoring public order (in the event of mass riots), protection of sensitive installations (e.g., electric power and water intake stations, transport and communication nodes, and so forth) as well as in counterdrug and counterterrorism operations.¶ Whereas some types of operations other than war provide for the use of force (say, peace enforcement), others (humanitarian or “traditional” peacekeeping operations) do not. Oftentimes both types of operation are conducted simultaneously: Humanitarian operation combined with peace enforcement (as in Bosnia, Kosovo, etc.) is becoming standard practice. Finally, operations other than war can be both multilateral (multinational) and unilateral—i.e., conducted by one or several countries. The most common types of operations other than war are peacekeeping and humanitarian operations.¶ For all the diversity of operations other than war, they have something in common, which sets them apart from military (combat) operations per se—namely, their predominantly political character. Regardless of the role that armed forces play in an operation other than war, it serves above all political, not military, tasks and objectives. Although military operations are in the final analysis also dictated by political considerations, in operations other than war, political considerations prevail over all other considerations. These operations are designed not to achieve military victory, but to avert, limit, and settle conflicts; keep the peace and provide support to civilian authorities in internal crises; maintain and assert influence in a particular region, and so forth—naturally, in accordance with national interests.4 They do not include such goals as effective engagement or physical elimination of an adversary; they are called upon to, among other things, create conditions for electoral victory by local political forces loyal to the “international community” or national authorities. Operations other than war are literally permeated with political interests and considerations on all levels while their objectives are always limited (that is to say, are not related to the vital interests of participating countries) and can change often and quickly—contingent on the prevailing situation. Although in theory, specific tasks addressed by armed forces at a particular stage of an operation (say, forcible separation of belligerents) should be subordinated to its general political tasks, in practice it is often the case that political considerations not only do not coincide with military needs at given moment but even are in conflict with them.¶

### AT//We Meet – General

#### The military is the armed forces

AHD 14 – American Heritage Dictionary, “military”, https://education.yahoo.com/reference/dictionary/entry/military

mil·i·tar·y audio (ml-tr) KEY

ADJECTIVE:

Of, relating to, or characteristic of members of the armed forces: a military bearing; military attire.

Performed or supported by the armed forces: military service.

Of or relating to war: military operations.

Of or relating to land forces.

#### That includes the army, navy, air force, marines and coast guard

Busch 9

[Philip B. Busch, Office of Chief Counsel, “Employment Authorization and Verification of Aliens Enlisting in the Armed Forces [74 FR 7993] [FR 14-09]”, http://www.uscis.gov/ilink/docView/FR/HTML/FR/0-0-0-1/0-0-0-186558/0-0-0-199368/0-0-0-199448.html]

I. Background and Purpose

Section 504 of Title 10, U.S. Code, provides citizenship and immigration status eligibility criteria for enlistment in the Armed Forces. The Armed Forces are defined under 10 U.S.C. 101(a)(4) to mean only the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard. Under section 504, only citizens and noncitizen nationals of the United States; lawful permanent resident aliens; and certain nationals of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau who are admissible as nonimmigrants under the Compacts of Free Association with those nations, are eligible to enlist in the Armed Forces. See 10 U.S.C. 504(b)(1). Section 504(b)(2), however, also authorizes the Secretary of any Armed Force to enlist other aliens ‘‘if the Secretary determines that such enlistment is vital to the national interest.’’ Id. section 504(b)(2).

### AT//We Meet – Icebreakers

#### Icebreakers are under the purview of the Coast Guard – they’re military ships

O'Rourke 10

Ronald O'Rourke, Specialist in Naval Affairs at the Congressional Research Service, Coast Guard Polar Icebreaker Modernization: Background, Issues, and Options, p. 43

The other big difference is that, because the Coast Guard icebreakers are military ships and have multiple missions, they have a much larger crew strength. Their manning is about 134 crew, officers and crew, compared with I8 on the Ocean.

### AT//We Meet – Coast Guard

#### The coast guard’s part of the military

USCG ’14

(3/20/24, The United States Coast Guard, “About Us”, http://www.uscg.mil/top/about/ )

The U.S. Coast Guard is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. Since 1790 the Coast Guard has safeguarded our Nation's maritime interests and environment around the world. The Coast Guard is an adaptable, responsive military force of maritime professionals whose broad legal authorities, capable assets, geographic diversity and expansive partnerships provide a persistent presence along our rivers, in the ports, littoral regions and on the high seas. Coast Guard presence and impact is local, regional, national and international. These attributes make the Coast Guard a unique instrument of maritime safety, security and environmental stewardship.

## Development

### Ocean Engineering 1nc

#### A. Interpretation – “ocean development” is ocean engineering.

Rawat ‘12

[Aman. Of the Indian Maritime University. “Career in Naval Architecture and Ocean Engineering”

December 2012 <http://www.winentrance.com/career_courses/naval_architecture/>]

Ocean Engineering as a discipline encompasses the breadth of engineering sciences including design. construction. development operation and planning of systems that operate in an oceanic and marine environment. Naval Architecture. which has traditionally been studied as a discipline in itself is however a subdivision of Ocean Engineering, that specializes in the design of ships and other sea — going vessels. In Naval Architecture. all structures related to ship building. i.e.. the ships. boats. submarines, oil rigs, hover crafts. etc.. are to be designed. Therefore. the main activities involved in the discipline of Ocean Engineering and Naval Architecture are the preliminary design of the offshore structures. its detailed design. construction. trials, operation and maintenance, launching and dry — docking works etc.

#### B. Violation – that excludes shipbuilding and offshore installation production

Feroz ‘11

[“Ocean Engineering Career” Last Updated 2011, http://www.careerinformation.in/ocean-engineering-career.html ]

Ocean Engineering is an ambiguously defined discipline. It may mean Oceanographic Engineering, a term which may refer to Offshore Engineering, or Maritime Engineering, which is the branch of engineering allied to Civil Engineering and concerned with the technical aspects of fixed and floating offshore marine structures and systems related to harnessing ocean resources. These include offshore oil and gas and the rapidly-expanding area of ocean renewable energy, as well as other ocean resource activities such as sub-sea mining and aquaculture. Ocean Engineering is essentially another name for Offshore Engineering. Ocean Engineering does not include the design of ships (Naval Architecture) or the design of electronic, electrical and mechanical systems that exist within ships and offshore installations.

#### Vote Negative –

#### 1. Limits – the topic’s already huge because there’s no functional limit on the topic –denying the affirmative production-oriented actions that make minor repairs to existing infrastructure is necessary to exclude a bunch of tiny affirmatives against which no meaningful literature exists.

#### 2. Ground – there’s no link UQ against affirmatives that alter production design or systems of existing oceanic infrastructure – requiring that the affirmative defend more than a minor repair is necessary to protect the quality of the negative arsenal.

### Ext. Interpretation

#### Development is ocean engineering

Texas A&M University 2014 “Ocean Engineering”

<http://engineering.tamu.edu/academics/degrees/undergraduate/ocen>

Typical ocean engineering application areas include: beach protection and nourishment, coastal structures, coastal erosion, development of ocean energy resources, instrumentation for coastal and offshore measurements, marine dredging and dredged material placement, moored and towed systems, ocean mining, offshore petroleum recovery, offshore structures, ports and harbors, search and salvage, suspended and dissolved constituent transport, subsea pipelines and cables, submersible vehicles, and underwater acoustics.

### Ext. Violation

#### Ocean development excludes minor changes

NOAA ‘11

NOAA 7/20/11 “NAO 216-115: Strengthening NOAA’s Research and Development Enterprise”

<http://www.corporateservices.noaa.gov/ames/administrative_orders/chapter_216/216-115.html>

Development is systematic use of the knowledge or understanding gained from research, directed toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes. It excludes quality control, routine product testing, and production.

#### Ocean engineering is a term of art and includes the following – if you’re not on the list, you don’t meet

Texas A&M ‘10

[Texas A&M University September 4th, 2010 ”Dwight Look College of Engineering” <http://catalog.tamu.edu/09-10_ug_catalog/look_engineering/ocean_eng.htm>]

Ocean engineering is the application of basic engineering principles to the analysis, design, construction, and management of systems that operate in the ocean environment. Typical ocean engineering application areas include: beach protection and nourishment, coastal structures, coastal erosion, development of ocean energy resources, instrumentation for coastal and offshore measurements, marine dredging and dredged material placement, moored and towed systems, ocean mining, offshore petroleum recovery, offshore structures, ports and harbors, search and salvage, suspended and dissolved constituent transport, subsea pipelines and cables, submersible vehicles, and underwater acoustics. Employment opportunities exist with private industry, defense contractors, consulting firms, and government agencies. Ocean engineering students are encouraged to pursue summer internships and may participate in the University cooperative education program. The curriculum leading to a Bachelor of Science degree in ocean engineering is administered by the Coastal and Ocean Engineering Division of the Zachry Department of Civil Engineering and is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

### Exploitation 1nc

#### Interpretation and Violation: development means exploitation of ocean resources – conservation, regulation, and/or production aren’t topical

US Code ‘14

US CODE 2014 June 25th, 2014“CHAPTER 29-SUBMERGED LANDS SUBCHAPTER III-OUTER CONTINENTAL SHELF LANDS”

<http://uscode.house.gov/view.xhtml?req=%28title:43%20section:1331%20edition:prelim>

(l) The term "development" means those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, and operation of all onshore support facilities, and which are for the purpose of ultimately producing the minerals discovered;¶ (m) The term "production" means those activities which take place after the successful completion of any means for the removal of minerals, including such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and work-over drilling;

#### Vote Negative:

#### 1. Limits – there’s no other functional limit on the topic – requiring the affirmative to defend a pro-resource oriented approach toward the ocean limits out an infinite number of tiny affirmatives that don’t meaningfully deviate from the status quo.

#### 2. Ground – there’s no link uniqueness against the “protect the ocean” affirmative and the topic generics are generally pretty weak. Our interpretation is necessary to force the affirmative to defend something sizable enough that we can go for something other than the capitalism critique.

### Ext. Interpretation / Violation

#### Development requires commercialization

Underhill ‘7

(US District Court Judge (Stefan, STATE OF CONNECTICUT and ARTHUR J. ROCQUE, JR., COMMISSIONER OF THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiffs, v. UNITED STATES DEPARTMENT OF COMMERCE and THE HONORABLE DONALD L. EVANS, IN HIS CAPACITY AS SECRETARY OF COMMERCE, Defendants, ISLANDER EAST PIPELINE COMPANY, LLC, Intervenor Defendant. CIVIL ACTION NO. 3:04cv1271 (SRU) UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT 2007 U.S. Dist. LEXIS 59320 August 15, 2007, Decided, lexis)

The term "develop" is not defined in the statute, and there is a dearth of case law on the subject. In the "absence of statutory guidance as to the meaning of a particular term, it is appropriate to look to its dictionary definition in order to discern its meaning in a given context." Connecticut v. Clifton Owens, 100 Conn. App. 619, 639, 918 A.2d 1041 (2007). There are various definitions of the term "develop," some of which connote commercial and industrial progress, and some of which imply natural growth. See BLACK'S LAW DICTIONARY 462 (7th ed. 1999); WEBSTER'S NEW COLLEGE DICTIONARY 310 (2d ed. 1995). Having gained no clear answer from the dictionary, words must be given their "plain and ordinary meaning . . . unless the context indicates that a different meaning was intended." Connecticut v. Vickers, 260 Conn. 219, 224, 796 A.2d 502 (2002). [\*19] Here, the plain meaning of the term "develop" includes commercial improvement. Connecticut argues, in effect, that by placing the term "develop" in the context of other terms, such as "preserve, protect, and restore," the definition of "develop" must have a natural, conservationist meaning. That argument is not supported by the legislative history of the CZMA. Congress intended the CZMA to balance conservation of environmental resources with commercial development in the coastal zone. See, e.g., COASTAL AND OCEAN LAW at 229. In fact, in the context of the CZMA, the term "develop" has been defined to mean commercial improvement. Id. ("[T]he CZMA reflects a competing national interest in encouraging development of coastal resources.").See also Conservation Law Foundation v. Watt, 560 F. Supp. 561, 575 (D. Mass. 1983) (noting that the CZMA recognizes a wide range of uses of the coastal zones, including economic development).

#### Ocean “development” is utilization as a resource

Owen 3 – Daniel Owen, Consultant to the UN Food and Agriculture Organization, “Legal And Institutional Aspects Of Management Arrangements For Shared Stocks With Reference To Small Pelagics In Northwest Africa”, FAO Fisheries Circular No. 988, http://www.fao.org/docrep/006/y4698b/y4698b04.htm

1.2 The legal regime for management of shared stocks

For a stock shared between two or more neighbouring coastal States and not ranging onto the high seas, the regime of Art 63(1) LOSC is appropriate. It states that:

Where the same stock or stocks of associated species occur within the exclusive economic zones of two or more coastal States, these States shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to coordinate and ensure the conservation and development of such stocks without prejudice to the other provisions of this Part.

Regarding the term “development”, Nandan, Rosenne and Grandy[4] state that:

The reference to “development”... relates to the development of those stocks as fishery resources. This includes increased exploitation of little-used stocks, as well as improvements in the management of heavily-fished stocks for more effective exploitation. Combined with the requirement in article 61 of not endangering a given stock by overexploitation, this envisages a long-term strategy of maintaining the stock as a viable resource.

#### The word “ocean” in the resolution *also* requires you do exploitation

United States Code Service 08

[“TITLE 33. NAVIGATION AND NAVIGABLE WATERS”

<http://seagrant.noaa.gov/Portals/0/Documents/who_we_are/legislation/docs/USC%20as%20amended%20by%202008.pdf>]

(7) The term "ocean, coastal, and Great Lakes resources" means the resources that are located in, derived from, or

traceable to, the seabed, subsoil, and waters of--

(A) the coastal zone, as defined in section 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1));

(B) the Great Lakes;

(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological

characteristics and problems similar or related to those of the Great Lakes);

(D) the territorial sea;

(E) the exclusive economic zone;

(F) the Outer Continental Shelf;

(G) the high seas.

#### “Development” is activity to utilize ocean resources and space

UNESCO 86 – United Nations Educational, Scientific and Cultural Organization, “IOC-Unesco Regional Training Workshop on Ocean Engineering and Its Interface with Ocean Sciences in the Indian Ocean Region”, 4-5, http://www.jodc.go.jp/info/ioc\_doc/Training/085239eo.pdf

The term "ocean development" has often been used to denote all activities, including ocean sciences, ocean engineering and related marine technology, directed to resource exploration and exploitation and the use of ocean space. The underlying guiding principle in all these activities has been that these be conducted in a manner that insure the preservation of the marine environment without detriment to its quality and the resources with which it abounds. From the statements given by the participants, it became apparent that in some countries, such as China, Indonesia, India, Malaysia, Philippines and Thailand, ocean development programmes and activities, over the years, have evolved from fisheries oriented needs towards mineral resources exploitation. In some of these countries exploitation of these resources has brought about new adjustments to their priority needs which have progressively involved the strengthening of their marine scientific and technological capability demanded by these new situations.

#### Development is extraction of resources

Hibbard et al 10 K. A. Hibbard, R. Costanza, C. Crumley, S. van der Leeuw, and S. Aulenbach, J. Dearing, J. Morais, W. Steffen, Y. Yasuda --- International Geosphere-Biosphere Programme. 2010 Developing an Integrated History and Future of People on Earth (IHOPE): Research Plan IGBP Report No. 59.

http://www.igbp.net/download/18.1b8ae20512db692f2a680006394/report\_59-IHOPE.pdf

A common characteristic of human-in-environment development is extraction and consumption of natural resources. A typical response to the exhaustion of these resources has been to move to new regions where continued extraction and consumption is possible. These migrations have led to colonisation of new areas, conflict and displacement of indigenous populations, introduction of new species, and so on. Only quite recently in human history has the ability to occupy new lands become limited by geopolitical constraints. New frontiers are now associated with technological advances that are used to overcome local constraints of resource availability.

#### “Ocean development” is utilization of ocean resources, spaces, and energy

JIN 98 – Japan Institute of Navigation, “Ocean Engineering Research Committee”, http://members.j-navigation.org/e-committee/Ocean.htm

2. Aim of Ocean Engineering Committee

Discussions of "Ocean Engineering" are inseparable from "Ocean Development." What is ocean development? Professor Kiyomitsu Fujii of the University of Tokyo defines ocean development in his book as using oceans for mankind, while preserving the beauty of nature. In the light of its significance and meaning, the term "Ocean Development" is not necessarily a new term. Ocean development is broadly classified into three aspects: (1) Utilization of ocean resources, (2) Utilization of ocean spaces, and (3) Utilization of ocean energy. Among these, development of marine resources has long been established as fishery science and technology, and shipping, naval architecture and port/harbour construction are covered by the category of using ocean spaces, which have grown into industries in Japan. When the Committee initiated its activities, however, the real concept that caught attention was a new type of ocean development, which was outside the coverage that conventional terms had implied.

#### More evidence – developing the ocean requires exploiting it

US Code ‘14

US CODE 2014 June 25th, 2014“CHAPTER 29-SUBMERGED LANDS SUBCHAPTER III-OUTER CONTINENTAL SHELF LANDS”

http://uscode.house.gov/view.xhtml?req=%28title:43%20section:1331%20edition:prelim

The term “development” means any activity, including logistic support, which takes place following exploration, the purpose of which is the exploitation of specific mineral resource deposits, including processing, storage, and transport activities.

### AT//We Meet Exploration

#### No – exploration *also* requires exploitation

US Code ‘14

US CODE 2014 June 25th, 2014“CHAPTER 29-SUBMERGED LANDS SUBCHAPTER III-OUTER CONTINENTAL SHELF LANDS”

http://uscode.house.gov/view.xhtml?req=%28title:43%20section:1331%20edition:prelim

The term “exploration” means any activity, including logistic support, the purpose of which is the identification or evaluation of specific mineral resource deposits. The term includes exploratory drilling, dredging, and other surface or subsurface excavations required to determine the nature and size of mineral resource deposits and the feasibility of their development.

### “Not Regulations” 1nc

#### A. Interpretation:

#### 1. “Ocean development” is utilization of ocean resources, spaces, and energy

JIN 98 – Japan Institute of Navigation, “Ocean Engineering Research Committee”, http://members.j-navigation.org/e-committee/Ocean.htm

2. Aim of Ocean Engineering Committee

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#### 2. “Increase” means to become larger or greater in quantity

Encarta 6 – Encarta Online Dictionary. 2006. ("Increase" http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861620741)

in·crease [ in krss ]  
transitive and intransitive verb  (*past and past participle* in·creased, *present participle* in·creas·ing, *3rd person present singular* in·creas·es)Definition**:**make or become larger or greater: to become, or make something become, larger in number, quantity, or degree  
noun  (*plural* in·creas·es)

#### 3. Exploration must be open-ended—specific research is not “exploration”

NOAA 12 – National Oceanic and Atmospheric Administration, “Independent Review of the Ocean Exploration Program 10 Year Review 2001 – 2011”, 5-21, <http://explore.noaa.gov/sites/OER/Documents/about-oer/program-review/oe-program-history-overview.pdf>

2.1 What is Exploration? As described in the President’s Panel Report, ocean exploration is defined as “discovery through disciplined diverse observations and the recording of the findings. An explorer is distinguished from a researcher by virtue of the fact that an explorer has not narrowly designed the observing strategy to test a specific hypothesis. A successful explorer leaves a legacy of new knowledge that can be used by those not yet born to answer questions not yet posed at the time of the exploration.” Above all, the overarching purpose of ocean exploration is to increase our knowledge of the ocean environment; its features, habitats, and species; and how it functions as part of the global ecosystem. In practice, the NOAA Ocean Exploration Program adopted and continues to promote an approach to engage teams of scientists representing multiple disciplines to explore unknown and poorly known ocean areas and phenomena. This approach also includes recruiting natural resource managers, educators, journalists, documentary filmmakers, and others to join expeditions and provide a unique perspective on the areas being investigated. The objective is to generate a comprehensive characterization of the area and phenomena explored, providing a rich foundation to stimulate follow-on research, as well as new lines of scientific inquiry.

#### B. Violation: the Aff merely changes the process by which we regulate aquaculture, but doesn’t mandate an increase in development

MacMillan Dictionary 09 “Regulate” http://www.macmillandictionary.com/us/dictionary/american/regulate

Regulate: to control an activity, process, or industry officially by using rules

The proposal seeks to change the way the airline industry is regulated.

#### Vote Negative:

#### 1. Limits—allowing the aff to change ocean regulations in addition to ocean development explodes the number of possible affirmatives and makes neg research impossible.

#### 2. Ground—changing regulatory structures allows the affirmative to spike out of core negative disads to development, such as the Environment DA and the Spending DA.

## Exploration

### Discovery 1nc

#### A. Interpretation: Ocean exploration is discovery and data collection

Huddleston ‘9

**[** communications officer for the National Research Council(Nancy, “Ocean Exploration: Highlights of the National Academies Reports”,

<http://dels.nas.edu/resources/static-assets/osb/miscellaneous/exploration_final.pdf>]

What Is Ocean Exploration?

As defined by the President’s Panel on Ocean Exploration (National Oceanic and Atmospheric Administration, 2000), ocean exploration is discovery through disciplined, diverse observations and recordings of findings. It includes rigorous, systematic observations and documentation of biological, chemical, physical, geological, and archeological aspects of the ocean in the three dimensions of space and in time.

#### B. Violation – searching for something *specific* is research, not exploration - those terms are distinct

McNutt ‘6

(PRESIDENT AND CHIEF EXECUTIVE OFFICER, MONTEREY BAY AQUARIUM RESEARCH INSTITUTE (Marcia, Prepared Testimony, UNDERSEA RESEARCH AND OCEAN EXPLORATION: H.R. 3835, THE NATIONAL OCEAN EXPLORATION PROGRAM ACT OF 2005 AND THE UNDERSEA RESEARCH PROGRAM ACT OF 2005, <http://www.gpo.gov/fdsys/pkg/CHRG-109hhrg28758/html/CHRG-109hhrg28758.htm>)

Ocean exploration is distinguished from research by the fact that exploration leads to questions, while research leads to answers. When one undertakes exploration, it is without any preconceived notion of what one might find or who might benefit from the discoveries. Research, on the other hand, is undertaken to test a certain hypothesis, with the clear understanding of the benefits of either supporting or refuting the hypothesis under consideration. Often novel discoveries are made accidentally in the process of performing hypothesis-driven research, but with a purposeful exploration program, those discoveries are more likely to be appreciated for what they are, properly documented, and followed-up.¶ Here is a concrete example. One of the greatest surprises in oceanography in the 20th century was the discovery of the hot-vent communities, deep-sea oases that thrive in sea water geothermally heated to several hundred degrees centigrade. These animals form an entire ecosystem completely independent of the sun's energy, and their existence opens up huge new possibilities for how life might be sustained elsewhere in the universe. This discovery led to a host of new research questions. What is the energy source for this new style of community? How do proteins fold at such high temperatures? By what reproductive strategy do deep-sea vent organisms manage to find and colonize new, isolated vent systems as the old ones die? These are important questions, but ones that we would not know enough to even ask had the discovery not happened. And it almost didn't. The shipboard party involved was entirely geologists and geophysicists. There wasn't a single biologist on board to appreciate the significance of what was to become the most important discovery in marine biology. Ever. Lacking basic biological supplies, the geophysicists had to sacrifice all of their vodka to preserve the novel specimens they collected.¶ Such discoveries don't need to be rare, accidental, or potentially unappreciated with a strong, vigorous, and systematic ocean exploration program. I created a graphic (Figure 1) to show how NOAA's OE program might ideally relate to the broader ocean research agenda and to the NURP program.¶ The upper box is meant to represent NOAA's Ocean Exploration program. New discoveries are made by exploring new places, and/or by deploying new tools which ``see'' the ocean in new dimensions. With roughly 95 percent of the ocean still unexplored, and new tools that image the physics, chemistry, biology, and geology of the ocean at all scales being developed constantly, the opportunities for discovery are virtually limitless. The greatest strength of having a federal organization such as NOAA leading this effort is the fact that it can undertake a systematic, multi-disciplinary exploration of the ocean. However, if I had to identify NOAA's weakness in terms of being the lead agency for this effort, it is the fact that NOAA is not widely known for its prowess in developing new technology. For this reason, I support the provision in H.R. 3835 that establishes an interagency task force which includes NASA and ONR to facilitate the transfer of new exploration technology to the program.

#### Vote Negative

#### 1. Limits – they make the topic *huge* and allow for a large number of search and rescue affirmatives that look for specific things like missing airplanes or lost cities or missing riches. Preparing for all of these affirmatives is impossible, especially given that there’s no common DA against them.

#### 2. Ground – ocean research is a distinct mechanism that requires a separate negative arsenal. Topic generics don’t link to these affirmatives, and they potentially make the topic *bidirectional* because research on the ocean might result in *net less* exploration and development.

### Ext. Interpretation / Violation

#### Exploration is the study of the unknown – research is the attempt to understand things previously discovered

Keener ‘14

[Marine Biologist and Education Director at the National Oceanic and Atmospheric Administration (Paula, “Introduction to Volume 2: How Do We Explore?” <http://oceanexplorer.noaa.gov/okeanos/edu/collection/media/hdwe-Bkgnd.pdf>]

On August 13, 2008, the NOAA Ship Okeanos Explorer was commissioned as “America’s Ship for Ocean Exploration;” the only U.S. ship whose sole assignment is to systematically explore Earth’s largely unknown ocean. A key part of the vision underlying this assignment is that the Okeanos Explorer is a ship of discovery. Her mission is to find anomalies; things that are unusual and unexpected. When anomalies are found, explorers aboard the ship collect basic information that can guide future expeditions to investigate hypotheses based on this information. This process underscores an important distinction between exploration and research:

**Exploration** is about making new discoveries to expand our fundamental scientific knowledge and understanding and to lay the foundation for more detailed scientific investigations;

**Research** is about the attempt to understand things that have previously been discovered and leads to informed decision-making.

#### Exploration seeks to establish new hypotheses; research seeks to prove or disprove existing hypotheses

Malik et al ‘13

[The Smithsonian/NASA Astrophysics Data System (“To Explore or to Research: Trends in modern age ocean studies” American Geophysical Union, Fall Meeting 2013, abstract #OS33B-1763, http://adsabs.harvard.edu/abs/2013AGUFMOS33B1763M]

The recommendations of President's Panel Report on Ocean Exploration gave rise to NOAA's Office of Ocean Exploration in 2001, and helped establish NOAA as the lead agency for a federal ocean exploration program. The panel defined exploration as discovery through disciplined, diverse observations and recordings of findings including rigorous, systematic observations and documentation of biological, chemical, physical, geological, and archaeological aspects of the ocean in the three dimensions of space and in time. Here we ask the question about the fine line that separates ';Exploration' and ';Research'. We contend that successful exploration aims to establish new lines of knowledge or give rise to new hypothesis as compared to research where primary goal is to prove or disprove an existing hypothesis. However, there can be considerable time lag before a hypothesis can be established after an initial observation. This creates interesting challenges for ocean exploration because instant ';return on investment' can not be readily shown. Strong media and public interest is garnered by far and apart exciting discoveries about new biological species or processes. However, most of the ocean exploration work goes to systematically extract basic information about a previously unknown area. We refer to this activity as baseline characterization in providing information about an area which can support hypothesis generation and further research to prove or disprove this hypothesis. Examples of such successful characterization include OER endeavors in the Gulf of Mexico that spanned over 10 years and it provided baseline characterization in terms of biological diversity and distribution on basin-wide scale. This baseline characterization was also conveniently used by scientists to conduct research on benthic communities to study effects of deep water horizon incident. More recently similar characterization has been attempted by NOAA Ship Okeanos Explorer from 2011 - 2013 field season in NE Atlantic canyon. This has been one of the first ever campaigns to systematically map the NE canyons from US-Canada border to Cape Hatteras. After the 3D mapping of the canyons that included multibeam sonar derived bathymetry and backscatter, OER provided the first ever comprehensive maps of the seafloor and water column which have become the basis for further exploration and research in this region. NOAA Ship Okeanos Explorer currently remains the only federal vessel dedicated solely to Ocean Exploration. Examples of some of the recent discoveries of the ship will be provided to explain as how Exploration and Research are merging together in modern era of ocean sciences.

#### Exploration is discovery, not research – means it has to be open-ended

NOAA, 12

(National Oceanic and Atmospheric Administration’s Office of Ocean Exploration and Research (“Independent Review of the Ocean Exploration Program 10 Year Review 2001 – 2011” 5/21, <http://explore.noaa.gov/sites/OER/Documents/about-oer/program-review/oe-program-history-overview.pdf>)

2.1 What is Exploration?¶ As described in the President’s Panel Report, ocean exploration is defined as “discovery through disciplined diverse observations and the recording of the findings. An explorer is distinguished from a researcher by virtue of the fact that an explorer has not narrowly designed the observing strategy to test a specific hypothesis. A successful explorer leaves a legacy of new knowledge that can be used by those not yet born to answer questions not yet posed at the time of the exploration.” Above all, the overarching purpose of ocean exploration is to increase our knowledge of the ocean environment; its features, habitats, and species; and how it functions as part of the global ecosystem.¶ In practice, the NOAA Ocean Exploration Program adopted and continues to promote an approach to engage teams of scientists representing multiple disciplines to explore unknown and poorly known ocean areas and phenomena. This approach also includes recruiting natural resource managers, educators, journalists, documentary filmmakers, and others to join expeditions and provide a unique perspective on the areas being investigated. The objective is to generate a comprehensive characterization of the area and phenomena explored, providing a rich foundation to stimulate follow-on research, as well as new lines of scientific inquiry.¶

### Ext. Limits IL

#### A strict interpretation of “exploration” is necessary to limit the topic – the alternative allows *any oceanic action* to be topical

NAS ‘69

[National Academy of Sciences, “In an Ocean Quest— The International Decade of Ocean Exploration”, http://www.gpo.gov/fdsys/pkg/CZIC-gc11-o25-1969/html/CZIC-gc11-o25-1969.htm]

The term "International Decade of Ocean Exploration' can be interpreted very broadly. Thus the Steering Committee gave early consideration to the features that could serve to distinguish programs of the Decade from the whole of ocean science and engineering. A broad statement of the basic objectives of the Decade was developed, as follows:

To achieve more comprehensive knowledge of ocean characteristics and their changes and more profound understanding of oceanic processes for the purpose of more effective utilization of the ocean and its resources.

The emphasis on utilization was considered of primary importance. In contrast to the total spectrum of oceanography and ocean engineering, the principal focus of Decade activities would be on exploration effort in support of such objectives as (a) increased net yield from ocean resources, (b) prediction and enhanced control of natural phenomena, and (c) improved quality of the marine environment. Thus Decade investigations should be identifiably relevant to some aspect of ocean utilization.

The word "exploration" has a number of meanings, extending from broad reconnaissance to detailed prospecting. Exploration effort of the IDOE should include the scientific and engineering research and development required to improve the description of the ocean, its boundaries, and its contents, and to understand the processes that have led to the observed conditions and that may cause further changes in those conditions.

Of all the ocean investigations that will contribute in some way to enhanced utilization, we believe that those involving cooperation among investigators in this country and abroad are particularly appropriate for the Decade. Decade Programs would often be of long-term and continuing nature, would require the facilities of several groups, and would be directed toward objectives of widespread, rather than local or special, interest. It is anticipated that these programs within the United States may be cooperatively implemented both by government agencies (federal and state) and by private facilities (academic and industrial).

As the title suggests, international cooperation will be of particular importance. Such cooperation has long been a characteristic of oceanog- raphy, for reasons described in the following paragraph (from "Inter- national Ocean Affairs" published by the Scientific Committee on Oceanic Research in 1967).

The world ocean covers 71 % of the earth's surface. Most countries have sea coasts and make some use of the sea, although national jurisdiction extends over only a small fraction of the ocean's area; the remainder is common property.\* The waters of the world ocean and their contents intermingle without serious restraint. Many oceanic processes are of large scale and are driven by forces of planetary dimension, The organisms inhabiting the sea are influenced by these processes and forces, and their distribution, abundance and behaviour are often influenced by events occurring far beyond the territorial limits recognized by rtian.

Most international cooperative investigations have consisted of a set of national programs suitably modified and coordinated to achieve international objectives. The Decade is envisioned as a period of intensified collaborative planning, development of national capabilities, and execution of national and international programs. This report gives principal attention to the development of U.S. programs that could contribute to the Decade. Integration of these programs and those of other countries into a comprehensive international program was not discussed in detail, but has been left for consideration by appropriate international bodies. It is hoped that this report will be a useful contribution to those discussions.

In the light of the goals and features discussed above, there appear to be important aspects of ocean research and development that lie outside the framework of the Decade. For example, some aspects of theoretical and experimental research, or the development and application of specific exploitation techniques, may not be appropriate. Some oceano- graphic research of an academic nature and certain mission-oriented pro- grams of government and industry will not fit logically into the Decade For example, the National Council on Marine Resources and Engineer- ing Development has estimated that only about 30 percent of the present U.S. federal marine science budget (as defined by the Council) is designated for programs related to ocean exploration. In a sense, all investigations in the ocean will contribute to the goals of the Decade, but in order for it to be successful, a definite set of programs must be determined. The distinguishing features discussed above should help in defining this set.

### Ext. Predictability / Grammar IL

#### Our interpretation is most predictable---it’s the core and ordinary meaning, which should govern topic construction

Clancy 13 – Dale Clancy, Australian Taxation Office, “Petroleum Resource Rent Tax: What Does 'Involved In Or In Connection with Exploration For Petroleum' Mean?”, 10-2, http://law.ato.gov.au/atolaw/view.htm?rank=find&criteria=AND~TR~basic~exact:::AND~2013/D4~basic~exact&target=EA&style=java&sdocid=DTR/TR2013D4/NAT/ATO/00001&recStart=1&PiT=99991231235958&Archived=false&recnum=1&tot=5&pn=ALL:::ALL

Meaning of 'exploration for petroleum' in paragraph 37(1)(a) of the Act

78. In Woodside Energy Ltd v. Federal Commissioner of Taxation (No 2 ) [2007] FCA 1961 at paragraph 261, French J said:

It is necessary as always to begin the task of construction by reference to the words of the Act applying their relevant ordinary meaning ascertained by reference to context and legislative purpose unless some technical or special meaning is indicated.7

79. Neither the term 'exploration' nor 'exploration for petroleum' is defined in the Act and these words ought to be construed according to their ordinary and natural meaning in the context of the Act as a whole.

80. There is no indication in the Act (or in the associated extrinsic materials) that the term 'exploration' carries a meaning other than its ordinary meaning. Nor does the Act provide any basis for preferring a trade usage of exploration over the ordinary meaning of the term.8

81. 'Exploration' is an ordinary English word. It is not a technical word, although its application in particular circumstances might involve technical questions.

In the Shorter Oxford Dictionary (1973) p 707 'exploration' is defined as '1. The action of examining; scrutiny ... 3. The action of exploring ...'. 'Explore' is defined as '1. ... seek to find out; to search for; to make proof of ... 3. ... to go into or range over for the purpose of discovery ... 4. ... to conduct operations in search for'.9

The Macquarie Dictionary defines 'exploration' as 1. the act of exploring. 2. the investigation of unknown regions. 'Exploration licence' is defined as a licence granted for a specific time to explore a large section of country with a view to prospecting. ; 'Explore' is defined as 1. to traverse or range over (a region, etc) for the purpose of discovery. 2. to look into closely; scrutinise; examine. 3. Surgery to investigate, especially mechanically, as with a probe, 4. Obsolete to search for; search out.

The Oxford English Dictionary defines 'exploration' as 1. The action of examining; investigation, scrutiny, Obs. 2. The action of exploring (a country, district, place, etc); an instance of this. Also transf 'Explore' is defined as 1. a . To investigate, seek to ascertain or find out (a fact, the condition of anything). b . To search for; to find by searching; to search out. Obs 2. a . To look into closely, examine into, scrutinize; to pry into (either a material or immaterial object). In later use coloured by association with 3. b . To examine by touch; to probe (a wound). 3. a . esp . To search into or examine (a country, a place, etc) by going through it; to go into or range over for the purpose of discovery. Fig. phr. To explore every avenue (or to explore avenues ), to investigate every possibility. b . intr . To conduct operations in search for . c . To make an excursion; to go on an exploration ( to ).

82. The meaning is readily grasped in relation to exploration for petroleum. Searching in order to discover petroleum is the core concept. The ordinary meaning would not be limited merely to discovering the fact that a field or petroleum pool existed, but would include determining the size of the field or pool and the physical characteristics of the petroleum within the field or pool. In other words, discovering the existence, extent and nature of the resource would be within the description 'exploration'. It is the systematic search for petroleum, and the subsequent determination of the extent (in the full physical sense, including chemical composition) of those discoveries.

83. The appraisal of the extent and nature of a field or petroleum pool might be a considerable exercise, which may involve recovery of some of the resource in the course of the exploration - drilling an appraisal well is an example.

84. The view expressed above as to the meaning of exploration for petroleum is consistent with statements in ZZGN v. Commissioner of Taxation [2013] AATA 351 ( ZZGN ). In ZZGN , President Kerr and Senior Member Walsh (the Tribunal) were required to consider whether certain expenditure was 'exploration expenditure' for the purposes of paragraph 37(1)(a) of the Act. The Tribunal made a number of statements about the meaning of exploration for the purposes of paragraph 37(1)(a). The Tribunal considered that:

...there is nothing in the legislative history of the PRRTA Act or in the extensive case law referred to by either counsel to suggest that the term 'exploration' should be read as meaning other than its ordinary meaning understood in the context in which it appears.10

## Earth’s Oceans

### EEZ 1nc

#### A. Interpretation: “Oceans” refers to water beyond the Contiguous Zone

CWA 12

Clean Water Act, “Section 502 General Definitions”, http://water.epa.gov/lawsregs/guidance/wetlands/sec502.cfm

(10) The term "ocean" means any portion of the high seas beyond the contiguous zone.

#### B. Violation – that means any affirmative that operates within 24 miles of shore isn’t topical

Baird ‘97

Brian E. Baird, Manager of California Ocean Resources Management Program, “California's Ocean Resources: An Agenda for the Future”, March, http://resources.ca.gov/ocean/html/chapt\_3.html

Ocean jurisdictions include some offshore regions with clearly defined sovereignty and regulatory regimes, while others have become less clear due to recent national and international developments (see Figure 3-1). Current ocean jurisdictional designations offshore California are:¶ State Tidelands and Submerged Lands (shoreline to 3 nautical miles offshore): the federal Submerged Lands Act of 1953 (43 U.S.C. 1301 et seq.) granted ownership of lands and resources within this body of water to coastal states such as California.¶ Outer Continental Shelf (seaward of 3 nautical miles from shore): the Outer Continental Shelf Lands Act of 1953 (43 U.S.C.A. 1331 et seq.), passed in coordination with the Submerged Lands Act, confirmed federal jurisdiction over the resources beyond three nautical miles from shore and created a legal process for developing those resources (such as oil and gas).¶ Territorial Sea (shoreline to 12 nautical miles offshore): pursuant to a 1988 proclamation by President Reagan (Proclamation No. 5928), the United States now asserts sovereign rights over the lands and waters out to 12 nautical miles from shore (the previous territorial sea designation was coextensive with State Tidelands in California -- shoreline to 3 nautical miles offshore). This proclamation does not disturb the rights of states in the waters out to three nautical miles established under the SLA. However, the term "territorial sea" is included in over 68 federal statutes and the new assertion of sovereignty creates ambiguity over the management of the area between 3 and 12 miles offshore. It has never been tested in the courts as to whether the President can unilaterally enlarge this jurisdiction to 12 miles for the purposes of these statutes. The term "marginal sea" is also used to describe the territorial sea.¶ Contiguous Zone (12 to 24 nautical miles offshore): within this area, a nation can exercise control over customs, fiscal, immigration and sanitary matters. Neither the Executive Branch nor Congress have taken the initiative to formally adopt a contiguous zone for the waters offshore the U.S.

#### Vote Negative:

#### 1. Limits – limiting the affirmative to non-EEZ affs is necessary to make the topic small enough for the negative to manage. Their interpretation opens the door to customs, drug interdiction, immigration and port security affirmatives, all of which require a distinct literature base.

#### 2. Ground – There’s no meaningful link uniqueness to EEZ affirmatives since the coast is already overdeveloped. Affs that operate in international waters provide the negative with a vast array of international law CPs and sphere of influence DAs.

### Ext. EEZ Interpretation / Violation

#### Oceans are the high seas – this is *distinct* from areas like the EEZ because we have jurisdiction over that

Blacks Law Dictionary ‘90

(BLACK'S LAW DICTIONARY 1080 (6th ed.1990), http://www.leagle.com/decision/2000885123FSupp2d762\_1804.xml/HARTFORD%20FIRE%20INS.%20CO.%20v.%20MITLOF)

which defines "ocean" as "the main or open sea; the high sea; that portion of the sea which does not lie within the body of any country and is not subject to the territorial jurisdiction or control of any country, but is open, free, and common to the use of all nations."

#### “Oceans” are outside of any state’s territorial control---coastal areas aren’t topical

Conner ‘2k

[William C. Conner, Senior District Judge for the United States District Court, “Hartford Fire Insurance Company, Plaintiff, v. Joseph MITLOF d/b/a Hudson Valley Waterways, Village of Tarrytown, Village of Nyack, Nyack Parking Authority, Key Bank U.S.A., Rivercrest Homeowners Association a/k/a Rivercrest Corp., Garrison Yacht Club and Nyack Boat Club, Defendants, 12-15, http://www.leagle.com/decision/2000885123FSupp2d762\_1804.xml/HARTFORD%20FIRE%20INS.%20CO.%20v.%20MITLOF]

The Passengers argue that the term "marine insurance" in § 2117(b)(3)(A) "concerns insurance for the ship owner's personal property in the course of import or export and is clearly not applicable to [Passengers's] personal injury claims." (Ram July 10 tr at 2.) The Hartford Policy definitely does not fall into this category, for there is no evidence that Conservator was involved in import/export shipping. On the contrary, it was a pontoon boat certified to travel only in the "Norwalk Connecticut harbor area, not more than one (1) mile from shore, on voyages not to exceed thirty (30) minutes in duration" (Coast Guard 5/21/97 Certificate of Inspection at 1). Thus, it was clearly not an "ocean going vessel;" nor was it even certified to travel on the ocean. See, e.g., BLACK'S LAW DICTIONARY 1080 (6th ed.1990), which defines "ocean" as "the main or open sea; the high sea; that portion of the sea which does not lie within the body of any country and is not subject to the territorial jurisdiction or control of any country, but is open, free, and common to the use of all nations."

#### “Oceans” are outside of the territorial sea

CFR 14

Code of Federal Regulations, “Permits for Ocean Dumping of Dredged Material”, <http://www.law.cornell.edu/cfr/text/33/324.2>

For the purpose of this regulation, the following terms are defined:¶ (a) The term "ocean waters" means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606: TIAS 5639).

# Affirmative

## Non-Military

### Aff: Non-Military

#### Military use of the ocean is combat activities – anything else is non-military

Bilder and Treves ‘10

[Richard and Tullio, Professor of Law Emeritus University of Wisconsin & Professor of International Law University of Milano “RECENT BOOKS ON INTERNATIONAL LAW: BOOK REVIEW: The International Law of the Sea,” Lexis]

The subject-oriented chapters do not deal only, as in UNCLOS, with marine scientific research, marine environmental protection, and dispute settlement, but they also consider navigational rights and freedoms, military uses of the oceans, marine resource management, delimitation of maritime boundaries, and maritime regulation and enforcement. While the former three chapters must be recognized for being complete and illuminating as well as for integrating post-UNCLOS practice, the latter five deserve close attention as they are the most visible new elements presented by this book.¶ [\*186] As previously mentioned, the chapter on navigational rights and freedoms complements--as regards such rights and freedoms--the "zonal" chapters on the territorial sea, the exclusive economic zone, the high seas, and the archipelagic waters. Similarly, the chapter on military uses of the oceans examines navigational rights and freedoms. Of particular interest in this part is the much-discussed subject of innocent passage of warships. While indicating that UNCLOS "is clear that warships enjoy a right of innocent passage which may be exercised in the same manner as merchant ships" (p. 268), the authors note that some states insist on a coastal state's right to prior consent or notification of passage by warships, and they notably observe: "There is some evidence to suggest these differing interpretations of [UNCLOS] on prior notification and consent represent a divide between the West and Asia, which with the growing rise of China as an economic and military power has the potential to become a future flashpoint" (p. 270, footnote omitted).¶ The chapter on military uses of the oceans also deals with the borderline issues between the law of peace and the law of naval warfare, and, in a section on naval operations at sea, it considers UN-sanctioned interdictions, the Proliferation Security Initiative, weapons testing and military maneuvers, and demilitarized and nuclear-free zones**.** In discussing weapons testing and military maneuvers in the exclusive economic zone, the authors state that since UNCLOS is silent on the matter, its Article 59--concerning resolution of conflicts arising on matters on which the Convention does not attribute rights to the coastal or other states within the exclusive economic zone--should apply. They build upon this view, which is shared by other authors, by indicating factors applicable under this article to the permissibility of weapons testing and naval maneuvers in the exclusive economic zone. Such factors include "the distance from the coastal state's territorial sea, the length of these operations, their impact upon the general freedom of navigation within the area, and also potential implications for the marine environment including marine living resources" (p. 280). Although other factors could be added and although their implementation probably requires development of a hierarchy among them, this compilation seems to be a valuable attempt at giving concrete meaning in a specific field to the criteria set out in Article 59, namely consideration of "all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole." [n5](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?tokenKey=rsh-20.692699.6424828653&target=results_DocumentContent&returnToKey=20_T20125870115&parent=docview&rand=1403636007648&reloadEntirePage=true" \l "n5) The suggestion is of particular interest because Article 59 (the so-called Castañeda-Vindenes formula) has been insufficiently explored in legal scholarship and very rarely invoked in practice even though its adoption was a key compromise of the negotiations at the Third UN Conference on the Law of the Sea since it permitted negotiating states to overcome the ideological and political difficulties concerning the legal nature of the exclusive economic zone.¶ Closely connected with the chapters on navigational rights and freedoms and on military uses of the sea is chapter 17 on maritime regulation and enforcement, which bundles together all questions concerning enforcement. A section, perhaps slightly misleadingly entitled "International Law Regarding Enforcement Powers at Sea," deals with hot pursuit and use of force (examining in particular the *Saiga No. 2* judgment of the International Law of the Sea Tribunal (ITLOS) and the *Guyana v. Suriname* arbitration award). A subsequent section examines enforcement operations in the different maritime zones. As to enforcement of fisheries regulations in the exclusive economic zone, the authors observe that, in its prompt-release judgments, ITLOS has had the opportunity to assess, in some detail, coastal state practices that "reflect the growth in illegal, unreported and unregulated (IUU) fishing" (p. 429). This observation is followed by a concise treatment of the ITLOS decisions on the notion of "reasonable" bond or other financial security in prompt-release cases that at least this reviewer would not have expected to find in the enforcement chapter (*id.*). A further section, "Specialist Regimes Relating to Maritime Regulation and Enforcement," deals with subject areas of present concern for the international community, namely piracy, maritime [\*187] terrorism and related unlawful acts, and transnational crime, as well as the enforcement provisions of the UN Fish Stocks Agreement of 1995 and enforcement practice within regional fisheries management organizations.

#### Military assets can be used for “non-military” exploration/development

Gvosdev ‘10

Nikolas K. Gvosdev is a professor of national security studies at the U.S. Naval War College. He is currently a senior editor at The National Interest. – internally quoting Derek Reveron, who is a professor of national security affairs at the U.S. Naval War College – “The Defense Exports” – The National Interest – October 10, 2010 – <http://nationalinterest.org/commentary/the-defense-exports-4201>

Derek Reveron’s concept of “exporting security” (discussed in detail in a book of the same name just released by Georgetown University Press) could provide a way forward out of this impasse. Although the public’s attention is drawn to the ongoing conflicts in Iraq and Afghanistan, much of what the U.S. military is doing today is strengthening the capacities of partners—strengthening their abilities to exercise effective control over their territories and coastlines and to be in a position to repel outside threats. The United States has security-assistance programs with 149 other nations. Some of it is active, kinetic support in combating insurgents, terrorist groups or drug cartels, as in Yemen and Colombia. Some of it is developing partnership and training programs to enhance the ability of nations to deploy peacekeeping forces or coast guards. It can encompass the gamut from humanitarian relief operations to creating defensive alliances. The net result of all of these efforts is to “develop enduring relations” with other states that gives the United States access to a global network of bases and platforms, but also “strengthens key partners and reduces both the need for American presence and the negative attention it sometimes generates”—and in so doing, can also reduce the burden on the United States to have to act as a global sheriff. Reveron’s approach avoids the “stocking up” approach to military procurement, because the emphasis would be on finding ways to deploy and use assets, rather than warehousing systems “in case of emergency.” For instance, in the maritime realm, the carriers, amphibious vessels and destroyers that were designed to contain the Soviet navy and protect sea lines of communication (and which might be used in a similar role vis-à-vis China in the future) are now being used “to conduct activities ashore to improve human security.” The 2010 response to the Haiti earthquake saw an aircraft carrier and sixteen other warships deployed to provide humanitarian relief and rescue services; such “nonmilitary” missions, in turn, help to reduce the factors which can produce security threats to the United States and reinforce American ties with other states. Reveron quotes a navy official who notes that using “war” assets for non-military missions such as training and humanitarian relief means “We can show up, provide training, provide resources, and then leave very little footprint behind.” An “exporting security” approach guides future procurement decisions towards “multiuse” platforms that can combine conventional and non-conventional missions.

#### Military Assets aren’t a bright line – they’re often deployed in non-military missions.

Perry ‘8

(et al; Dr. Charles M. Perry – Vice President & Director of Studies, Institute for Foreign Policy Analysis

The U.S. Foreign Disaster Response Process: How It Works and How It Could Work Better

Charles M. Perry – May – http://www.ifpa.org/pdf/DisasterRelief.pdf.)

Traditionally, if it is determined that military assets are indeed necessary to respond to a disaster, OFDA will submit a formal request for military assistance to the State Department’s Executive Secretariat, which will in turn forward the request to the Executive Secretariat of DoD. Following an intensive intra-DoD review process, the secretary of defense or deputy secretary may order the deployment of military assets to the disaster zone in support of OFDA efforts, signing what is called a “third party waiver” to allow U.S. military goods and services to be used in a non-military operation to assist a “third party.” On the basis of such a waiver, over fifteen thousand U.S. soldiers and sailors were deployed as part of the 2004 tsunami response to work alongside OFDA in the affected regions. More specifically, the U.S. military provided twenty-six ships, eighty-two planes, and fifty-one helicopters to help deliver more than 24.5 million tons of relief supplies and enable USAID and other disaster relief agencies to move much-needed aid to inaccessible areas affected by the tsunami (OFDA 2005, 17). But DoD assistance may be as limited (if nonetheless crucial) as the dispatch of a single C-130 to deliver supplies to a disaster zone, or the diversion of a nearby ship to assist in the evacuation of people at risk or injured. In theory, the criterion for both levels of response is that no commercial alternative exists or is readily available. However, despite the formal process for requesting military assistance, local U.S. ambassadors and country officers in the relevant regional bureau at the State Department have often requested DoD assistance directly, leaving USAID and OFDA out of the loop. Moreover, some officials at State are neither familiar with disaster management issues and procedures nor even aware of USAID’s and OFDA’s role as the LFA for foreign HA/DR activities. For instance, in response to flash floods in the Horn of Africa in 2006, State issued a request for DoD assistance. When personnel from DoD spoke with the relevant regional bureau at State, they found that staff at the bureau were unaware of OFDA’s role or that USAID was in fact the LFA, and needed to provide the justification for DoD assistance. Still worse, DoD actually had to give bureau officials the contact information for the proper USAID/OFDA representatives (interview 2007a). Examples such as this illustrate the conundrum facing DoD: How does the military (meant primarily as a resource of last resort) respond to requests for assistance when State Department officials may not yet have properly coordinated with USAID/OFDA to fully assess the availability of civilian options, including cheaper, commercial alternatives? In an effort to avoid such situations in the future, USAID, DoD, and State’s Bureau of Political-Military Affairs (State/PM) are drafting new HA/DR guidelines to clarify how State should respond to and handle overseas disasters, and to improve the State-DoD assistance request process. OFDA, of course, is generally quite willing to request the mobilization of military assets for overseas relief missions, and to give DoD relatively wide latitude to work directly with its counterpart in the affected nation. This is especially true when that nation lies within a region of strategic interest, as was the case during the 2004 Indian Ocean tsunami, the 2005 Pakistan earthquake, the 2006 Philippine mudslide, and the 2007 Bangladesh cyclone. That said, increased calls for DoD involvement in HA/DR missions have pushed the military to operate less as an instrument of last resort in support of civilian relief agencies and more as a regular contributor, intimately involved in a broad range of humanitarian work. Increasingly, U.S. forces are on the ground, working alongside host nation officials and military personnel to eliminate sources of instability and improve livelihoods through various development and capacity-building projects. In the Horn of Africa, for example, U.S. Central Command (CENTCOM) established the Combined Joint Task Force-Horn of Africa (CJTF-HOA) in 2002 to promote regional stability and protect coalition interests through disaster relief, humanitarian support, medical and dental assistance, and construction and water development projects. CJTF-HOA also provides military-to-military training in counterterrorism and in border and maritime security. In 2008, the U.S. government will establish a new unified combatant command responsible for Africa known as Africa Command (or AFRICOM) to expand CJTF-HOA civil affairs efforts and similar projects elsewhere on the continent. For their part, U.S. Southern Command (SOUTHCOM) and PACOM already run similar programs in their respective areas of responsibility (or AORs), such as Joint Task Force-Bravo (JTF-Bravo) in Central America and Joint Special Operations Task Force-Philippines (JSOTF-P).

(Note: The acronym “OFDA” stands for the US’s “Office of Foreign Disaster Assistance”. “HADR” stands for “Humanitarian Assistance and Disaster Relief”)

#### The line between military and civilian is *exceptionally blurry* – their interpretation destroys affirmative ground because *no aff* would be topical

Metz 1997

Steven Metz - Director of Research, and Research Professor of National Security Affairs at the U.S. Army War College Strategic Studies Institute. “Strategic Horizons: The Military Implications of Alternative Futures” p. 13 http://books.google.com/books?id=rtuWH8\_ZKyIC&pg=PA13&lpg=PA13&dq=%22distinction+between+military%22&source=bl&ots=-hOX--hQaB&sig=4pdcbxMWBPBhqFmGYDypYu4\_N\_M&hl=en&sa=X&ei=c\_GwU42ZI4SUyASs2YL4BA&ved=0CIsBEOgBMA0#v=onepage&q=%22distinction%20between%20military%22&f=false

The revolution in military affairs is having other effects as well. one is a reversal of the connection between the size of an armed force and its prowess. Numbers mattered greatly in industrial age warfare when sustained combat between sovereign nation-states was the most important form of military activity. But if advanced militaries make the organizational and conceptual changes necessary to consolidate the revolution in military affairs. small. advanced units may be more effective than the large ones of the past. At the same time, the expense of advanced armed forces. whether in terms of complicated equipment or in terms of the time required to train operators of the equipment, will make attrition warfare less viable. A final important current of change is the blurring between things military and things civilian. In part, this derives from the increasing role that information and information technology play in military activity. There is less distinction between civilian information technology and military technology than in other arenas. The skills needed by a future "information warrior' will not be fundamentally different from those in charge of corporate information security. The distinction between daily life in the military and outside it may be insignificant. The expanding concept of national security is also leading to a melding of military and police activity. As criminals come to be seen as the preeminent security threat in many countries, and as they become better organized, better equipped, and interlinked. armed forces and police will perform many of the same functions and may eventually become indistinguishable. All of this means that the distinction between military functions and civilian functions, or between a military career and a nonmilitary career may be less evident than in the past and may eventually fade away all together.

### AT//Coast Guard

#### The Coast Guard is part of the armed forces but has a statutorily mandated non-military function

Dolan ‘5

Master’s Thesis for the Naval Postgraduate School (Mark, “THE SEAMLESS MARITIME CONCEPT” <https://www.hsdl.org/?view&did=452965>)

Capability and resource redundancy is expensive. However, contingency and surge compatibility is both necessary and appropriate. Where does appropriate compatibility and surge capacity become unnecessary redundancy? Navy and Coast Guard discussions concerning the Coast Guard as the national patrol boat manager, Deepwater communications and weapons systems interoperability, and deployment schedules are outstanding examples of complementary capabilities and cooperation. While the Navy’s justification for capabilities is solely dependent on defense missions, the Coast Guard’s justification includes readiness for defense missions and traditional Coast Guard missions. The redundancy discussion frequently fails to recognize that the Navy does not have a requirement to execute non-military missions. Moreover, the Coast Guard through its statue as a law enforcement agency and military service must be prepared for both. The same is not true of the Navy.

This doesn’t mean that the Navy cannot be an appropriate supporting service during times of maritime homeland security duress; it just means the Navy force should not be built for that secondary purpose. The Navy’s warfighting capability set includes numerous assets that can augment the Coast Guard during crisis.

Some amount of redundancy is desirable. How much redundancy is appropriate is a constantly changing, depending of the security and defense environments, deployments, threats, resource status, etc. At a minimum the redundancy must include a Coast Guard force structure and capability mix sized for the non-military mission and readiness for defense missions. The Navy force structure planning and capability mix must be sized for military missions. The Navy does not need to be built to nonmilitary mission specifications; however, that does not preclude the use of Navy resources and capabilities in dealing with homeland security contingency plans. A Seamless Maritime Concept would include all resources.

#### Coast Guard missions are non-military despite being part of the armed forces

**Garrett, 81 –** Thesis written for the Naval Postgraduate School (Jeffrey, “Arctic Alaska and icebreaking : an assessment of future requirements for the United States Coast Guard” <http://calhoun.nps.edu/public/bitstream/handle/10945/20435/arcticalaskaiceb00garr.pdf?sequence=1>)

The Coast Guard is in certain ways unique in the country's governmental structure. It is, by definition, an armed force of the United States yet virtually the entire thrust of its peacetime role is distinctly non-military. This dual nature is characteristic of individual operating units as well as the organization as a whole. The sheer scope of duties is also noteworthy; there are fourteen operating programs (or major endeavors) carried out by 38,400 uniformed personnel, 5,400 civilian employees, 11,700 selected reservists and an auxiliary of 42,500 [Reference 160] . The Coast Guard has been descriptively categorized with regard to these features as a dual-role, multi-mission agency: it is a military service performing a wide range of civilian duties [Ref. 2]

## Development

### Aff: Development Definitions

#### “Ocean development” includes coastal activities

Abel 2 – R.B. Abel, Research Scientist in the Davidson Laboratory at Stevens Institute of Technology, Coastal Ocean Space Utilization 3, p. 204

The enactment of" 'The Marine Development Basic Act (MDBA: Law No. 3983, Dec. 4. 19X7)' was thus a welcomed response to the urgent need for a more visionary approach to planning for nationwide coastal /one management, and even further, to coordinating interministerial conflicts rationally through the deliberation of the Marine Development Committee chaired by the Prime Minister. Article II of the MDBA stresses that the government shall, for harmonious ocean development, adopt necessary measures and arrangements for rational coordination between marine environment preservation and marine development. The definition of ocean development in this context includes coastal zone activities.

#### “Development” includes renewable energy

Parish 13 – Devon Parish, Conservation Law Foundation, “Protecting Ocean Resources and Promoting Sustainable Development”, March, http://www.clf.org/wp-content/uploads/2013/03/MA\_Ocean\_073012.pdf

A requirement of the Massachusetts Oceans Act of 2008, the Massachusetts Ocean Plan (Ocean Plan) was created to ensure the protection of the state’s Special, Sensitive or Unique (SSU) ocean areas while also encouraging responsible ocean development, including renewable energy, in state ocean waters. The creation of the plan proceeded in three phases: information and data gathering; draft plan development; and formal public review of the draft plan and the finalization of the plan. An extensive public participation program was conducted during each phase of the planning process with public listening sessions and workshops held across the state, more than 300 public comments filed regarding the draft plan, formal public hearings held after the release of the draft plan, and hundreds of meetings with diverse stakeholders, including marine pilots, fishermen, energy developers, non-governmental organizations, and academia.

### AT//Ocean Engineering

#### Ocean engineering is just the application of engineering to the ocean – we meet

Texas A&M ‘10

Texas A&M University September 4th, 2010 ”Dwight Look College of Engineering”¶ <http://catalog.tamu.edu/09-10_ug_catalog/look_engineering/ocean_eng.htm>

Ocean engineering is the application of basic engineering principles to the analysis, design, construction, and management of systems that operate in the ocean environment. Typical ocean engineering application areas include: beach protection and nourishment, coastal structures, coastal erosion, development of ocean energy resources, instrumentation for coastal and offshore measurements, marine dredging and dredged material placement, moored and towed systems, ocean mining, offshore petroleum recovery, offshore structures, ports and harbors, search and salvage, suspended and dissolved constituent transport, subsea pipelines and cables, submersible vehicles, and underwater acoustics. Employment opportunities exist with private industry, defense contractors, consulting firms, and government agencies. Ocean engineering students are encouraged to pursue summer internships and may participate in the University cooperative education program. The curriculum leading to a Bachelor of Science degree in ocean engineering is administered by the Coastal and Ocean Engineering Division of the Zachry Department of Civil Engineering and is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

### AT//Not Regulations

#### Development means management and regulation of use and exploitation of resources

Borgese 94 **-** Elisabeth Mann Borgese is Professor of Political Science at Dalhousie University.

(http://www.nzdl.org/gsdlmod?e=d-00000-00---off-0envl--00-0----0-10-0---0---0direct-10---4-------0-1l--11-en-50---20-about---00-0-1-00-0-0-11-1-0utfZz-8-00&cl=CL3.33&d=HASH015e0d6a44dfd69a2ad9fcdc.1&gt=2)

The word "development," in its international setting too readily associated with "economic development," refers here to the use or exploitation of a natural resource. The word "sustainable," which conveys the idea of holding up or support, in this context means development that is conservative, and is conducive to continued viability of a resource. The term "sustainable development" which appeared in the World Conservation Strategy published in 1980 by the International Union for the Conservation of Nature and was adopted by the World Commission on Environment and Development, is used to describe management (i.e. regulation of use and exploitation, and conservation) of a given resource in such a manner that the benefits of the resource are optimized, that is, made available on an equitable basis to the largest number over the longest term. It requires the sparing and economical use of non-renewable resources, and maintenance of the productivity of renewable resources, as well as avoidance of or compensation for, irreversible effects caused to the resource through use or exploitation that does not meet these standards. Such equitable allocation of benefits from a resource necessarily implies regulation of access to the resource, whether that resource is a stock of fish, a deposit of minerals, or the air or water; and whether the resource is fixed, or mobile and fluctuating across national boundaries, or beyond national jurisdiction in areas sometimes referred to as "global commons." The Report of the World Commission declares that ... physical sustainability cannot be secured unless development policies pay attention to such considerations as changes in access to resources and in the distribution of costs and benefits. Even the narrow notion or physical sustainability implies a concern for social equity between generations, a concern that must logically be extended to equity within each generation. (emphasis added)1 Thus, according to the Report, "sustainable development" requires, inter alia, (1) "that [the] poor get their fair share of the resources required to sustain [economic] growth"; and (2) "that those who are more affluent adopt lifestyles within the planet's ecological means.... Painful choices have to be made...." The Report is right to conclude, therefore, that "sustainable development" implies nothing less than the "progressive transformation of economy and society"; and to emphasize that "in the final analysis, sustainable development must rest on political will."

## Exploration

### Aff: Exploration Definitions

#### Exploration’s a laundry list

NOAA 01

(National Ocean and Atmospheric Administration, January 2001, “A New Era of Ocean Exploration” http://oceanservice.noaa.gov/websites/retiredsites/oceanpanel.pdf)

Navy proposes the following topical areas as suitable for

National commitments and interagency efforts in ocean

exploration:

• Seafloor exploration & mapping (e.g., Neptune, GOMaP)

• Hyperspectral sensing from space

• Long-time series in U.S. waters as part of an integrated ocean observing system (OCEAN.US)

• Cooperative coastal efforts with other nations

• Inventories of marine life (e.g. a census of marine mammals)

• Inventories of polar ice caps

• Marine archaeology

#### Ocean exploration is the first stage of research and can lead to directed discovery

Mineart ‘2

Oceanography Dept, US Naval Academy (G.M, “A data management strategy for the ocean exploration program” OCEANS '02 MTS/IEEE (Volume:3 )¶ <http://www.docstoc.com/docs/89070111/A-Data-Management-Strategy-for-the-Ocean-Exploration-Program>)¶

The Frontier Report defines ocean exploration as “discovery through disciplined diverse observations and recording of the findings” [2]. The U.S. Navy, a partner in the President’s Panel process, has refined its definition as the systematic examination of the oceans for the purposes of discovery; cataloging and documenting what one finds; boldly going where no one has gone before; and providing an initial knowledge base for hypothesis-based science and for exploitation [3]. This definition recognizes that true ocean exploration is planned and executed to achieve discoveries as an intentional process rather than relying on serendipitous discoveries that sporadically emerge from typical oceanographic research programs. This definition also emphasizes the recording of results to facilitate the sharing of each new baseline level of knowledge across a broad, multidisciplinary user community.

#### Exploration can involve targeted searches

Clinton ’14 – President of the Constitution of the United States (2014, William J. Clinton, Public Lands, chapter 29 : Submerged Lands <http://uscode.house.gov/view.xhtml?req=(title:43%20section:1331%20edition:prelim>)

The term “exploration” means the process of searching for minerals, including (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals, and (2) any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after such discovery which is needed to delineate any reservoir and to enable the lessee to determine whether to proceed with development and production.

#### Exploration just means looking for things – we meet

OEP ‘12

The Ocean Exploration Program, “Ocean Exploration’s Second Decade” <http://explore.noaa.gov/sites/OER/Documents/about-oer/program-review/2012-12-12-FINAL-OE-Review-Report.pdf>)

The present Panel affirms the brief definition of exploration of the 2000 Panel: Exploration is the systematic search and investigation for the initial purpose of discovery and the more elaborated definition of the US Navy: Systematic examination for the purposes of discovery; cataloging/documenting what one finds; boldly going where no one has gone before; providing an initial knowledge base for hypothesis-based science and for exploitation.

The Panel affirms that Ocean Exploration is distinct from comprehensive surveys (such

as those carried out by NAVOCEANO and NOAA Corps) and at-sea research (sponsored by National Science Foundation, Office of Naval Research, and other agencies), including hypothesis-driven investigations aimed at the ocean bottom, artifacts, water column, and marine life.

## Oceans

### Aff: Oceans Definitions

#### “Oceans” include the EEZ

Mathews 11

[Joe Mathews, Law Clerk at Springfield Law and Conservation Clinic Fellow at the University of Florida Conservation Clinic, “Redefining the Territorial Sea in the Clean Water Act: Replacing Outdated Terminology and Extending Regulatory Jurisdiction”, Sea Grant Law and Policy Journal, 4(1), Summer, http://nsglc.olemiss.edu/sglpj/Vol4No1/Matthews.pdf]

3. The Ocean

The “ocean” is defined as “any portion of the high seas beyond the contiguous zone.”49 Although the high seas is not defined in the CWA, the “ocean” as used in the CWA has been interpreted to include the Exclusive Economic Zone (seaward a distance of 200 nautical miles)50 as well as the high seas beyond the jurisdictional reach of the United States.51 Part VII of UNCLOS III, which discusses the “High Seas” states that it applies “to all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.”52 Although such an expansive definition was unlikely the intention of Congress when it passed the CWA, the statute does assert authority over ocean waters falling outside U.S. jurisdiction and it is a reasonable interpretation of the statutory language in light of UNCLOS III. This serves as another example of the confusion generated by Congress’ failure to update the CWA to reflect the existing extent of maritime claims under international law.

#### Excluding coastal exploration undermines topic education

Baker 3

[Joe Baker, Chief Scientist for the Queensland Department of Primary Industries and Commissioner for the Environment, Exploration of the Seas:: Voyage into the Unknown, p. 175-176]

Joe Baker, Chief Scientist for the Queensland Department of Primary Industries and Commissioner for the Environment, discussed the value of ocean exploration—exemplified by Australia's dependence on marine resources for its economic well-being. The scientific value of exploration is not the highest priority. It is the use of the data—and the assimilation and transmission of information to decision-makers—that is essential. Australia is one of the 12 mega-biodiverse countries, and the only developed country among the 12 mega-biodiverse countries. With the exception of Australia, the other eleven have an inverse proportion of gross national product to mega-biodiversity. Australia has a well-educated population, is politically stable, and has many special features such as the Great Barrier Reef. There is significant expertise in tropical marine systems, and as a result, Australia has responsibility for leadership in management and conservation for protection of mega-biodiversity.

Dr. Baker's definition of ocean exploration is broad and includes a comprehensive awareness of the nature, role, and function of the oceans. It should be multidisciplinary and multinational. A coordinated international exploration program adds value by sharing costs and assets, sharing output, and eliminating overlap. Such a program should include studies of impacts of change on human populations, interactions at boundaries (e.g., ice, coastal margins, sea beds), the interdependency of living and nonliving components of ecosystems, bio-prospecting for pharmaceuticals, and bio-mining for exploitation of natural resources. The challenge is to determine priorities and develop criteria for study selection.

He emphasized that ocean exploration should not focus exclusively on offshore oceanic environments. Coastal ocean exploration is equally important as offshore because these are the areas where the impacts of change will be the most severe. Finally, he offered the opinion that good exploration shares costs and benefits with developing countries in order to help all parties achieve sustainable development of ocean resources.

#### No bright-line for their interpretation

Visbeck 13 – Martin Visbeck, Chair in Physical Oceanography at the Leibniz Institute of Marine Sciences at the University in Kiel, et al., “Securing Blue Wealth: The Need for a Special Sustainable Development Goal for the Ocean and Coasts and for Future Ocean Spatial Planning”, December, sustainabledevelopment.un.org/getWSDoc.php?id=2910

2 There is no standard definition of coasts or the coastal zone. Commonly, the coastal zone is understood as the interface or transitional area between terrestrial and marine environments and their mutual influences (Woodroffe, 2002). Yet the coastal zone is strongly impacted by human activity and thus characterized by functional linkages and interactions between environmental and human systems, both on land and at sea. In our context, we understand the coastal zone as a complex human-environmental system that extends as far into the sea and onto the land as its key functional linkages and interactions extend.

Oceans are large bodies of salty water—separated into Atlantic, Pacific, Indian, and Arctic

Amerigian & Ledbetter ([Craig Amerigian](http://www.scholastic.com/teachers/contributor/craig-amerigian) and [Michael Ledbetter](http://www.scholastic.com/teachers/contributor/michael-ledbetter) “Oceans and seas”, http://www.scholastic.com/teachers/article/ocean-and-sea)

Oceans and seas are the bodies of salt water that cover about 71 percent of the Earth's surface and are referred to in total as the world ocean. Several centuries ago the "seven seas" were considered the navigable oceans, namely the Atlantic, Pacific, Indian, and Arctic oceans, the Mediterranean and Caribbean seas, and the Gulf of Mexico. At present, however, oceanographers consider all other oceans and seas as belonging to the Atlantic, Pacific, or Indian oceans. The Arctic Ocean, the Mediterranean and Caribbean seas, and the Gulf of Mexico are considered marginal seas of the Atlantic Ocean. These, in turn, have their own marginal bays and seas. Narrow, shallow straits separate the marginal seas from the Atlantic: the Straits of Florida (Gulf of Mexico), the Strait of Gibraltar (Mediterranean), and many gaps between the islands of the Greater and Lesser Antilles for the Caribbean Sea.¶ Many other large bodies of water have been designated as seas, but all are marginal to the great oceans. The largest of these are the Bering Sea, the Coral Sea, the East China Sea and South China Sea, the Sea of Okhotsk, the Sea of Japan, the Yellow Sea, and the Philippine Sea, bordering the Pacific; the Arabian Sea, the Red Sea, and the Bay of Bengal, bordering the Indian Ocean; the Scotia Sea, the North Sea, the Labrador Sea, the Weddell Sea, the Norwegian Sea, and the Greenland Sea, bordering the Atlantic Ocean. Marginal seas differ from the major oceans primarily in size, but also in depth and bottom topography.¶ The boundaries between the oceans are based on geographic criteria and have little to do with physical water-mass boundaries. The Atlantic is separated from the Indian Ocean by the 20° E meridian, and from the Pacific Ocean (in the south) by a line extending from Cape Horn at the tip of South America to the South Shetland Islands off Antarctica's tip and (in the north) by the narrowest part of the Bering Strait. The dividing line between the Pacific and Indian oceans extends along an arc through the Malay Peninsula, Sumatra, Java, and Timor to Cape Londonderry in Australia, to Tasmania, and then along the 147° E meridian to Antarctica.¶ Reference is often made to the Antarctic, or Southern, Ocean, which encircles the Antarctic continent and consists of the southernmost sectors of the three principal oceans. In spite of the lack of definitive geographic boundaries, the meteorological and oceanographic conditions in the high southern latitudes combine to produce a well-defined circumpolar current called the West Wind Drift. This current distinguishes the Antarctic Ocean as a physical entity, but the ocean's geographic borders are less easily defined.¶ Oceanic regions constitute a much larger percentage of the Earth's surface in the Southern Hemisphere (81%) than in the Northern Hemisphere (61%). This factor is reflected by major differences in oceanic circulation and weather patterns between the two hemispheres.

#### Earth’s oceans are liquid, Separations are distinct because of circulation patterns

Anderson, 4 (Genevieve Anderson, online Marine Science, “The World Ocean: Earth’s Oceans”, http://marinebio.net/marinescience/01intro/woocean.htm)

Oceans cover about 70% of planet Earth's surface. Many people refer to planet Earth as "the water planet" for this reason. Earth is at just the right distance from the sun so that water can be liquid at the surface. Planets closer to the sun have water mainly as vapor and planets farther away from the sun have water mainly as ice (solid water). Earth has all three forms of water - vapor, liquid, and solid (ice). Because of this Earth is a unique planet and the oceans are a unique (and extremely important) part of its makeup.¶ The four main oceans on planet Earth are the Atlantic, the Pacific, the Indian, and the Arctic Ocean. Some people consider the southern portion of the Atlantic, Pacific, and Indian Oceans as another ocean they call the Antarctic (or Southern) Ocean but since there is no easily defined land mass surrounding the Antarctic Ocean it is usually not mentioned in geography. In the Antarctic lesson (in Bottom Dwellers) there is a discussion about this and various ways to refer to this unique marine area. ¶ The Atlantic Ocean is bounded by America on its western side and Europe/Africa on its eastern side. The part of the ocean north of the equator is often called the North Atlantic and the part south of the equator is called the South Atlantic. These distinctions are important as each of these has a distinctively different circulation pattern. ¶ The Pacific Ocean is bounded by Asia/Australia on its western side and America on its eastern side. The part of the ocean north of the equator is often called the North Pacific and the part south of the equator is called the South Pacific. These distinctions are important as each of these has a distinctively different circulation pattern just like the Atlantic Ocean. ¶ The Indian Ocean is bounded by Africa on its western side and Australia on its eastern side. Most of Indian Ocean is below the equator and thus in the southern hemisphere.¶ The southern portions of Earth's oceans all flow together around the continent of Antarctica.¶ The Arctic Ocean is at the center of a north polar view of planet Earth. It is almost entirely surrounded by Canada, Alaska, Russia, Scandinavia, and Greenland. The North Pacific connects with the Arctic Ocean through the Bering Sea and Bering Strait - a rather small opening. The North Atlantic connects with the Arctic Ocean through the area between Greenland and Scandinavia - a rather large opening. This is why there are so many more icebergs in the North Atlantic as compared to the North Pacific. Most of the Arctic icebergs floating near the North Pacific become grounded before they get through the Bering Strait but in the North Atlantic many of these icebergs float into the the shipping lanes of the North Atlantic and may cause problems. The sinking of the Titanic was from such a large iceberg and since that catastrophic incident there has been a North Atlantic Ice Patrol with warnings to ships in the areas where there may be dangerous icebergs. There is no such thing (or need for it) in the North Pacific simply because of its geography.

# General

## Other Definitions

### Resolved

#### ‘Resolved’ means to enact a policy by law

Words and Phrases 64 (Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Determination reached by voting

Webster’s 98 (Revised Unabridged, Dictionary.com)

Resolved: 5. To express, as an opinion or determination, by resolution and vote; to declare or decide by a formal vote; -- followed by a clause; as, the house resolved (or, it was resolved by the house) that no money should be apropriated (or, to appropriate no money).

#### Firm decision

AHD 6 (American Heritage Dictionary, http://dictionary.reference.com/browse/resolved)

Resolve TRANSITIVE VERB:1. To make a firm decision about. 2. To cause (a person) to reach a decision. See synonyms at decide. 3. To decide or express by formal vote.

#### Specific course of action

AHD 6 (American Heritage Dictionary, http://dictionary.reference.com/browse/resolved)

INTRANSITIVE VERB:1. To reach a decision or make a determination: resolve on a course of action. 2. To become separated or reduced to constituents. 3. Music To undergo resolution.

#### Resolved implies immediacy

Random House 6 (Unabridged Dictionary, http://dictionary.reference.com/browse/resolve)

re·solve thinsp [Audio Help](http://dictionary.reference.com/help/audio.html)   /rɪˈzɒlv/ Pronunciation Key - Show Spelled Pronunciation[ri-zolv] Pronunciation Key - Show IPA Pronunciation verb, -solved, -solv·ing, noun

–verb (used with object)

1. to come to a definite or earnest decision about; determine (to do something): I have resolved that I shall live to the full.

#### “Resolved” doesn’t require certainty

Webster’s 9 – Merriam Webster 2009

(http://www.merriam-webster.com/dictionary/resolved)

# Main Entry: 1re·solve # Pronunciation: \ri-ˈzälv, -ˈzȯlv also -ˈzäv or -ˈzȯv\ # Function: verb # Inflected Form(s): re·solved; re·solv·ing 1 : to become separated into component parts; also : to become reduced by dissolving or analysis 2 : to form a resolution : determine 3 : consult, deliberate

#### Or immediacy

PTE 9 – Online Plain Text English Dictionary 2009

(http://www.onelook.com/?other=web1913&w=Resolve)

Resolve: “To form a purpose; to make a decision; especially, to determine after reflection; as, to resolve on a better course of life.”

### Colon

#### Colon is meaningless --- everything after it is what’s important

Webster’s 00 (Guide to Grammar and Writing, <http://ccc.commnet.edu/grammar/marks/colon.htm>)

Use of a colon before a list or an explanation that is preceded by a clause that can stand by itself. Think of the colon as a gate, inviting one to go on… If the introductory phrase preceding the colon is very brief and the clause following the colon represents the real business of the sentence, begin the clause after the colon with a capital letter.

#### The colon just elaborates on what the community was resolved to debate

Encarta 7 (World Dictionary, “colon”, [http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861 598666](http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861598666))

co·lon (plural co·lons)

noun

Definition:

1. punctuation mark: the punctuation mark (:) used to divide distinct but related sentence components such as clauses in which the second elaborates on the first, or to introduce a list, quotation, or speech. A colon is sometimes used in U.S. business letters after the salutation. Colons are also used between numbers in statements of proportion or time and Biblical or literary references.

### The

#### “The” indicates reference to a noun as a whole

Webster’s 5 (Merriam Webster’s Online Dictionary, http://www.m-w.com/cgi-bin/dictionary)

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

#### Requires specification

Random House 6 (Unabridged Dictionary, http://dictionary.reference.com/browse/the)

(used, esp. before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article *a* or *an*): the book you gave me; Come into the house.

#### Indicates a proper noun

Random House 6 (Unabridged Dictionary, http://dictionary.reference.com/browse/the)

(used to mark a proper noun, natural phenomenon, ship, building, time, point of the compass, branch of endeavor, or field of study as something well-known or unique): the sun; the Alps; the Queen Elizabeth; the past; the West.

#### “The” means all parts

Encarta 9 (World English Dictionary, “The”, http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861719495)

2. indicating generic class: used to refer to a person or thing considered generically or universally  
bullettransExercise is good for the heart.  
bullettransShe played the violin.  
bullettransThe dog is a loyal pet.

#### Means the noun must be interpreted generically

Webster’s 9 (Merriam-Webster’s Online Dictionary, “The”, http://www.merriam-webster.com/dictionary/the)

3 a—used as a function word before a singular noun to indicate that the noun is to be understood generically <the dog is a domestic animal> b—used as a function word before a singular substantivized adjective to indicate an abstract idea <an essay on the sublime>

### Federal Government

#### “Federal Government” means the United States government

Black’s Law 99 (Dictionary, Seventh Edition, p.703)

The U.S. government—also termed national government

#### National government, not states or localities

Black’s Law 99 (Dictionary, Seventh Edition, p.703)

A national government that exercises some degree of control over smaller political units that have surrendered some degree of power in exchange for the right to participate in national political matters

#### Government of the USA

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 245)

the government of the United States of America

#### Not states

OED 89 (Oxford English Dictionary, 2ed. XIX, p. 795)

b. Of or pertaining to the political unity so constituted, as distinguished from the separate states composing it.

#### Central government

AHD 92 (American Heritage Dictionary of the English Language, p. 647)

federal—3. Of or relating to the central government of a federation as distinct from the governments of its member units.

#### “Federal” refers to a government in which states form a central government

AHD 92 (American Heritage Dictionary of the English Language, p. 647)

federal—1. Of, relating to, or being a form of government in which a union of states recognizes the sovereignty of a central authority while retaining certain residual powers of government.

#### “Government” is all three branches

Black’s Law 90 (Dictionary, p. 695)

“[*Government*] In the United States, government consists of the executive, legislative, and judicial branches in addition to administrative agencies. In a broader sense, includes the federal government and all its agencies and bureaus, state and county governments, and city and township governments.”

#### Includes agencies

Words & Phrases 4 (Cumulative Supplementary Pamphlet, v. 16A, p. 42)

N.D.Ga. 1986. Action against the Postal Service, although an independent establishment of the executive branch of the federal government, is an action against the “Federal Government” for purposes of rule that plaintiff in action against government has right to jury trial only where right is one of terms of government’s consent to be sued; declining to follow Algernon Blair Industrial Contractors, Inc. v. Tennessee Valley Authority, 552 F.Supp. 972 (M.D.Ala.). 39 U.S.C.A. 201; U.S.C.A. Const.Amend. 7.—Griffin v. U.S. Postal Service, 635 F.Supp. 190.—Jury 12(1.2).

### Should

#### Should refers to what should be NOT what should have been

OED, Oxford English Dictionary, 1989 (2ed. XIX), pg. 344

Should An utterance of the word *should*. Also, what ‘should be’.

#### Should means an obligation or duty

AHD 92 – AHD, American Heritage Dictionary of the English Language, 1992 (4ed); Pg. 1612

Should—1. Used to express obligation or duty: *You should send her a note*.

#### Should expresses an expectation of something

AHD 92 – AHD, American Heritage Dictionary of the English Language, 1992 (4ed); Pg. 1612

Should—2. Used to express probability or expectation: *They should arrive at noon*.

#### Should expresses conditionality or contingency

AHD 92 – AHD, American Heritage Dictionary of the English Language, 1992 (4ed); Pg. 1612

Should—3. Used to express conditionality or contingency: *If she should fall, then so would* *I*.

#### “Should” expresses duty, obligation, or necessity

Webster’s 61 – Webster’s Third New International Dictionary 1961 p. 2104

Used in auxiliary function to express duty, obligation, necessity, propriety, or expediency

### Should – Desirable

#### “Should” means desirable --- this does not have to be a mandate

AC 99 (Atlas Collaboration, “Use of Shall, Should, May Can,” http://rd13doc.cern.ch/Atlas/DaqSoft/sde/inspect/shall.html)

shall

'shall' describes something that is mandatory. If a requirement uses 'shall', then that requirement \_will\_ be satisfied without fail. Noncompliance is not allowed. Failure to comply with one single 'shall' is sufficient reason to reject the entire product. Indeed, it must be rejected under these circumstances. Examples: # "Requirements shall make use of the word 'shall' only where compliance is mandatory." This is a good example. # "C++ code shall have comments every 5th line." This is a bad example. Using 'shall' here is too strong.

should

'should' is weaker. It describes something that might not be satisfied in the final product, but that is desirable enough that any noncompliance shall be explicitly justified. Any use of 'should' should be examined carefully, as it probably means that something is not being stated clearly. If a 'should' can be replaced by a 'shall', or can be discarded entirely, so much the better. Examples: # "C++ code should be ANSI compliant." A good example. It may not be possible to be ANSI compliant on all platforms, but we should try. # "Code should be tested thoroughly." Bad example. This 'should' shall be replaced with 'shall' if this requirement is to be stated anywhere (to say nothing of defining what 'thoroughly' means).

#### “Should” doesn’t require certainty

**Black’s Law 79** (Black’s Law Dictionary – Fifth Edition, p. 1237)

Should. The past tense of shall; ordinarily implying duty or obligation; although usually no more than an obligation of propriety or expediency, or a moral obligation, thereby distinguishing it from “ought.” It is not normally synonymous with “may,” and although often interchangeable with the word “would,” it does not ordinarily express certainty as “will” sometimes does.

### Should – Mandatory

“Should” is mandatory

Nieto 9 – Judge Henry Nieto, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### “Should” means must – its mandatory

Foresi 32 (Remo Foresi v. Hudson Coal Co., Superior Court of Pennsylvania, 106 Pa. Super. 307; 161 A. 910; 1932 Pa. Super. LEXIS 239, 7-14, Lexis)

As regards the mandatory character of the rule, the word 'should' is not only an auxiliary verb, it is also the preterite of the verb, 'shall' and has for one of its meanings as defined in the Century Dictionary: "Obliged or compelled (to); would have (to); must; ought (to); used with an infinitive (without to) to express obligation, necessity or duty in connection with some act yet to be carried out." We think it clear that it is in that sense that the word 'should' is used in this rule, not merely advisory. When the judge in charging the jury tells them that, unless they find from all the evidence, beyond a reasonable doubt, that the defendant is guilty of the offense charged, they should acquit, the word 'should' is not used in an advisory sense but has the force or meaning of 'must', or 'ought to' and carries [\*\*\*8] with it the sense of [\*313] obligation and duty equivalent to compulsion. A natural sense of sympathy for a few unfortunate claimants who have been injured while doing something in direct violation of law must not be so indulged as to fritter away, or nullify, provisions which have been enacted to safeguard and protect the welfare of thousands who are engaged in the hazardous occupation of mining.

#### Should means must

Words & Phrases 6 (Permanent Edition 39, p. 369)

C.D.Cal. 2005. “Should,” as used in the Social Security Administration’s ruling stating that an ALJ should call on the services of a medical advisor when onset must be inferred, means “must.”—Herrera v. Barnhart, 379 F.Supp.2d 1103.—Social S 142.5.

### Should – Not Mandatory

#### Should isn’t mandatory

Words & Phrases 6 (Permanent Edition 39, p. 369)

C.A.6 (Tenn.) 2001. Word “should,” in most contexts, is precatory, not mandatory. –U.S. v. Rogers, 14 Fed.Appx. 303. –Statut 227.

#### Strong admonition --- not mandatory

Taylor and Howard 5 (Michael, Resources for the Future and Julie, Partnership to Cut Hunger and Poverty in Africa, “Investing in Africa's future: U.S. Agricultural development assistance for Sub-Saharan Africa”, 9-12, <http://www.sarpn.org.za/documents/d0001784/5-US-agric_Sept2005_Chap2.pdf>)

Other legislated DA earmarks in the FY2005 appropriations bill are smaller and more targeted: plant biotechnology research and development ($25 million), the American Schools and Hospitals Abroad program ($20 million), women’s leadership capacity ($15 million), the International Fertilizer Development Center ($2.3 million), and clean water treatment ($2 million). Interestingly, in the wording of the bill, Congress uses the term *shall* in connection with only two of these eight earmarks; the others say that USAID *should* make the prescribed amount available. The difference between *shall* and *should* may have legal significance—one is clearly mandatory while the other is a strong admonition—but it makes little practical difference in USAID’s need to comply with the congressional directive to the best of its ability.

#### Permissive

Words and Phrases 2 (Vol. 39, p. 370)

Cal.App. 5 Dist. 1976. Term “should,” as used in statutory provision that motion to suppress search warrant should first be heard by magistrate who issued warrant, is used in regular, persuasive sense, as recommendation, and is thus not mandatory but permissive. West’s Ann.Pen Code, § 1538.5(b).---Cuevas v. Superior Court, 130 Cal. Rptr. 238, 58 Cal.App.3d 406 ----Searches 191.

#### Desirable or recommended

Words and Phrases 2 (Vol. 39, p. 372-373)

Or. 1952. Where safety regulation for sawmill industry providing that a two by two inch guard rail should be installed at extreme outer edge of walkways adjacent to sorting tables was immediately preceded by other regulations in which word “shall” instead of “should” was used, and word “should” did not appear to be result of inadvertent use in particular regulation, use of word “should” was intended to convey idea that particular precaution involved was desirable and recommended, but not mandatory. ORS 654.005 et seq.----Baldassarre v. West Oregon Lumber Co., 239 P.2d 839, 193 Or. 556.---Labor & Emp. 2857

### Should – Immediate

#### “Should” means “must” and requires immediate legal effect

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.[16](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn16)

[CONTINUES – TO FOOTNOTE]

[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or *immediately effective*, as opposed to something that *will* or *would* become effective *in the future [in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

### Should – No Immediate

#### Should doesn’t mean immediate

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should    /ʃʊd/ Show Spelled[shood] Show IPA –auxiliary verb 1. pt. of shall. 2. (used to express condition): Were he to arrive, I should be pleased. 3. must; ought (used to indicate duty, propriety, or expediency): You should not do that. 4. would (used to make a statement less direct or blunt): I should think you would apologize. Use should in a Sentence See images of should Search should on the Web Origin: ME sholde, OE sc ( e ) olde; see shall —Can be confused:  could, should, would (see usage note at this entry ). —Synonyms 3. See must1 . —Usage note Rules similar to those for choosing between shall and will have long been advanced for should and would, but again the rules have had little effect on usage. In most constructions, would is the auxiliary chosen regardless of the person of the subject: If our allies would support the move, we would abandon any claim to sovereignty. You would be surprised at the complexity of the directions. Because the main function of should in modern American English is to express duty, necessity, etc. ( You should get your flu shot before winter comes ), its use for other purposes, as to form a subjunctive, can produce ambiguity, at least initially: I should get my flu shot if I were you. Furthermore, should seems an affectation to many Americans when used in certain constructions quite common in British English: Had I been informed, I should (American would ) have called immediately. I should (American would ) really prefer a different arrangement. As with shall and will, most educated native speakers of American English do not follow the textbook rule in making a choice between should and would. See also shall. Shall –auxiliary verb, present singular 1st person shall, 2nd shall or ( Archaic ) shalt, 3rd shall, present plural shall; past singular 1st person should, 2nd should or ( Archaic ) shouldst or should·est, 3rd should, past plural should; imperative, infinitive, and participles lacking. 1. plan to, *intend* to, or expect to: I shall go later.

### Its

#### Belonging to or associated with

Oxford Dictionary 10 (“Of”, http://www.oxforddictionaries.com/definition/its?view=uk)

Pronunciation:/ɪts/

possessive determiner

belonging to or associated with a thing previously mentioned or easily identified:turn the camera on its side he chose the area for its atmosphere

#### Of or relating to

Webster’s 10 (Merriam-Webster’s Online Dictionary, “its”, http://www.merriam-webster.com/dictionary/its)

Main Entry: its

Pronunciation: \ˈits, əts\

Function: adjective

Date: circa 1507

: of or relating to it or itself especially as possessor, agent, or object of an action <going to its kennel> <a child proud of its first drawings> <its final enactment into law>

### Its – Possessive

#### “Its” refers to the United States Federal Government and is possessive

Updegrave 91 (W.C., “Explanation of ZIP Code Address Purpose”, 8-19, <http://www.supremelaw.org/ref/zipcode/updegrav.htm>)

More specifically, looking at the map on page 11 of the National ZIP Code Directory, e.g. at a local post office, one will see that the first digit of a ZIP Code defines an area that includes more than one State. The first sentence of the explanatory paragraph begins: "A ZIP Code is a numerical code that identifies areas within the United States and its territories for purposes of ..." [cf. 26 CFR 1.1-1(c)]. Note the singular possessive pronoun "its", not "their", therefore carrying the implication that it relates to the "United States" as a corporation domiciled in the District of Columbia (in the singular sense), not in the sense of being the 50 States of the Union (in the plural sense). The map shows all the States of the Union, but it also shows D.C., Puerto Rico and the Virgin Islands, making the explanatory statement literally correct.

#### ‘Its’ is possessive

English Grammar 5 (Glossary of English Grammar Terms, <http://www.usingenglish.com/glossary/possessive-pronoun.html>)

Mine, yours, his, hers, its, ours, theirs are the possessive [pronouns](http://www.usingenglish.com/glossary/pronoun.html) used to substitute a [noun](http://www.usingenglish.com/glossary/noun.html) and to show possession or ownership. EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

#### Grammatically, this refers solely to U.S. policy

Manderino 73 (Justice – Supreme Court of Pennsylvania, “Sigal, Appellant, v. Manufacturers Light and Heat Co”., No. 26, Jan. T., 1972, Supreme Court of Pennsylvania, 450 Pa. 228; 299 A.2d 646; 1973 Pa. LEXIS 600; 44 Oil & Gas Rep. 214, Lexis)

On its face, the written instrument granting easement rights in this case is ambiguous. The same sentence which refers to the right to lay a 14 inch pipeline (singular) has a later reference to "said lines" (plural). The use of the plural "lines" makes no sense because the only previous reference has been to a "line" (singular). The writing is additionally ambiguous because other key words which are "also may change the size of its pipes" are dangling in that the possessive pronoun "its" before the word "pipes" does not have any subject preceding, to which the possessive pronoun refers. The dangling phrase is the beginning of a sentence, the first word of which does not begin with a capital letter as is customary in normal English [\*\*\*10]  usage. Immediately preceding the "sentence" which does not begin with a capital letter, there appears a dangling  [\*236]  semicolon which makes no sense at the beginning of a sentence and can hardly relate to the preceding sentence which is already properly punctuated by a closing period. The above deviations from accepted grammatical usage make difficult, if not impossible, a clear understanding of the words used or the intention of the parties. This is particularly true concerning the meaning of a disputed phrase in the instrument which states that the grantee is to pay damages from ". . . the relaying, maintaining and operating said pipeline. . . ." The instrument is ambiguous as to what the words ". . . relaying . . . said pipeline . . ." were intended to mean.

#### And it’s a term of exclusion

Frey 28 (Judge – Supreme Court of Missouri, Supreme Court of Missouri,

320 Mo. 1058; 10 S.W.2d 47; 1928 Mo. LEXIS 834, Lexis)

In support of this contention appellant again argues that when any ambiguity exists in a will it is the duty of the court to construe the will under guidance of the presumption that the testatrix intended her property to go to her next of kin, unless there is a strong intention to the contrary. Again we say, there is intrinsic proof of a  [\*1074]  strong intention to the contrary. In the first place, testatrix only named two of her blood relatives in the will and had she desired [\*\*\*37]  them to take the residuary estate she doubtless would have mentioned them by name in the residuary clause. In the second place, if she used the word "heirs" in the sense of blood relatives she certainly would have dispelled all ambiguity by stating whose blood relatives were intended. Not only had  [\*\*53]  she taken pains in the will to identify her own two blood relatives but she had also identified certain blood relatives of her deceased husband. Had it been her intention to vest the residuary estate in her blood relatives solely, she would certainly have used the possessive pronoun "my" instead of the indefinite article "the" in the clause, "the above heirs."its is geographical.

### And/Or

#### One or the other or both

**Words and Phrases 7** (3A W&P, p. 220)

C.A.1 (Mass.) 1981. Words “and/or,” for contract purposes, commonly mean the one or the other or both.—Local Division 589, Amalgameted Transit Union, AFL-CIO, CLC v. Com. Of Mass., 666 F.2d 618, certiorari denied Local Div. 589, Amalgamated Transit Union AFL-CIO v. Massachusetts, 102 S.Ct. 2928, 457 U.S. 1117, 73 L.Ed.2d 1329.—Contracts 159.

#### And/or means one or the other or both

**Pullum 8** (Geoffrey K., Professor of General Linguistics – University of Edinburgh, “[And/or: "and AND or", or "and OR or"?](http://languagelog.ldc.upenn.edu/nll/?p=35)”, Language Log, 4-14, http://languagelog.ldc.upenn.edu/nll/?p=35)

Does and/or mean "and and or", or "and or or"? That is, if I say I am interested in *A* and/or *B*, do I mean I'm interested in *A* and *B* **and** I'm interested in *A* or *B*, or do I mean that I'm interested in *A* and *B* **or** I'm interested in *A* or *B*? (You may want to say that it means I'm interested in *A* and *B* **and/or** I'm interested in *A* or *B*; but in that case I repeat my question.) Having reflected on it for a little while, I am convinced that the answer has to be that A and/or B must mean "A and B or A or B". That is, if an entity *A* is claimed to have the property of being *F and/or G*, the claim amounts to saying that either (i) *A* has the property of being both *F* and *G* or (ii) *A* has the property of being either *F* or *G*. And to claim that *F* is a property of entities *A and/or B* is to claim that either (i) *F* holds for *A* and *B* or (ii) *F* holds for *A* or *B*. However, in that case and/or is effectively identical in meaning with or, so it is at first rather hard to see why *and/or* exists at all. But I do have a guess. The right theory of what *or* means in English is that it is in general inclusive but that sometimes the exclusive special case is conveyed as a conversational implicature. *I'm going to study linguistics at either York or Edinburgh* would often be taken to have the exclusive sense: since you typically go to a single university to take a single degree, and during the degree course you have no time to study elsewhere, a decision to choose York would normally exclude choosing Edinburgh as well. The exclusive sense is thus conveyed: one or the other of York and Edinburgh will be chosen, and if it is York it will not be Edinburgh, and if it is Edinburgh it will not be York. But of course if you think about it, someone who says she is choosing between those two universities does not commit herself for life to never studying at the other. When the two alternatives exclude each other, then the exclusive meaning is the only one that makes sense. If you are asked whether you want to sit in the stalls or in the balcony, it's one or the other but not both, because you can only be in one place at one time. When they don't exclude each other, it's always understood that or allows for both: obviously someone whose ambition is to win either an Oscar or an Olympic medal wouldn't feel a failure if they won both. Winning both would satisfy the ambition in spades. So my guess would be that *and/or* is a way of underlining the point that the *or* is to be understood in its inclusive sense rather than its exclusive sense. Sometimes you want to explicitly indicate "or more than one of the above", and *and/or* does that. Take the first example of *and/or* in the *Wall Street Journal* corpus of 1987-1989 (a 44-million-word collection of random articles that linguists often use as a source for real-life examples because the Linguistic Data Consortium — the host for the giant Language Log servers — made it available in 1993 nice and cheap). The example (which actually happens to be a quotation from the *Washington Post*) is this: *Too many of his attitudes, claims and complaints are careless, conflicting, dubious, inaccurate, mean, petty, simplistic, superficial, uninformed and/or pointlessly biased.* I take it as obvious that if one hundred percent of the hapless man's attitudes, claims and complaints had all ten properties — every single one was careless and conflicting and dubious and inaccurate and mean and petty and simplistic and superficial and uninformed and pointlessly biased — then the quoted claim would be regarded as true, not false. An or would have done the job here, but the and/or injects a (logically redundant) reminder that it may well be the case that more than one of the list of ten properties applies to the miserable individual in question.

#### X or Y or both

**Wood 1** (Diane P., Circuit Judge – United States Court of Appeals, “Susan E. Hess, Plaintiff-Appellee, v. Hartford Life & Accident Insurance Company”, 12-13, http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=7th&navby=case&no=002043)

Having determined that Hess's 1996 employment contract is properly a part of the administrative record the district court was entitled to consider, we must next decide whether Hartford could reasonably have determined that Hess's benefits as of April 19, 1996, should have been based only on her 1995 draw amount. Like the district court, we cannot read the contract that way. Hess's 1996 contract clearly states that the draw system was to be phased out as of April 5. The contract also specifies that her benefits, including long-term disability benefits, would be calculated based on her "base salary and/or draw." (We note in passing that the phrase "and/or" has its critics. Bryan A. Garner reports in A Dictionary of Modern Legal Usage 56 (2d ed. 1995), that "and/or has been vilified for most of its life-- and rightly so." He goes on to say, however, that the expression, while "undeniably clumsy, does have a specific meaning (x and/or y = x or y or both)." Id.) Here, this would mean that Hess could have her benefits calculated on the basis of her base salary, or her draw, or both. In the context of Fleet's transition away from a draw system, the only reasonable interpretation of this provision was that the benefits would be based on the draw while it was in effect and on the base salary thereafter. As of April 5, Hess was thus contractually entitled to a benefits package based on her base salary--that is, based on the average of her previous two years' commissions. The fact that Fleet may have breached the contract (or been slow in implementing its details) by failing to move from the draw system to the base salary system until June 1 does not change the package of compensation and benefits to which Hess was contractually entitled. Nor could the fact that Fleet failed to inform Hartford about the date the change-over was to have occurred affect Hess's benefit amount. The Hartford policy states that "[i]f [Fleet] gives The Hartford any incorrect information, the relevant facts will be determined" to establish the correct benefit amount. Once informed by Hess's attorney that Hess believed the information Fleet provided Hartford was incorrect, it was incumbent on the examiner to refer to Hess's employment contract to determine her actual regular monthly pay. Had he done so, he would have seen that Hess became entitled to the higher level of benefits on April 5, two weeks before her disability. The district court therefore did not err when it concluded that Hartford's failure to consider the contract was arbitrary and capricious.

#### “And/or” can mean either – defer to general community practice

**Words and Phrases 7** (3A W&P, p. 224)

N.D. 1964. “And/or” as used in contract may mean either “and” or “or”, and interpretation should be one which will best effect purpose of parties as determined in light of equities of the case.—Hummel v. Kranz, 126 N.W.2d 786—Contracts 159.

#### “And/or” means or

**Words and Phrases 7** (3A W&P, p. 224)

Or. 1942. As used in the constitutional amendment and statue relating to the creation of public utility districts, the hybrid phrase “and/or” may be construed as meaning “or”.—Ollilo v. Clatskanie People’s Utility Dist., 132 P.2d 416, 170 Or. 173.

### And

#### In addition

**Ansell 00** (Mary, “Chapter 28: Conjunctions”, English Grammar: Explanations and Exercises, http://www.fortunecity.com/bally/durrus/153/gramch28.html)

Coordinate conjunctions are used to join two similar grammatical constructions; for instance, two words, two phrases or two clauses. e.g. My friend and I will attend the meeting. Austria is famous for the [beauty](http://www.fortunecity.com/bally/durrus/153/gramch28.html) of its landscape and the hospitality of its people. The sun rose and the birds began to sing. In these examples, the coordinate conjunction and is used to join the two words friend and I, the two phrases the beauty of its landscape and the hospitality of its people, and the two clauses the sun rose and the birds began to sing. The most commonly used coordinate conjunctions are and, but and or. In addition, the words nor and yet may be used as coordinate conjunctions. In the following table, each coordinate conjunction is followed by its meaning and an example of its use. Note the use of inverted word order in the clause beginning with nor. Coordinate Conjunctions and:  in addition She tried and succeeded.

#### Requires both

**Words and Phrases 7** (3A W&P, p. 166)

C.A.Fed. 2001. Inclusion of conjunctive “and” in regulation indicated that all three of the enumerated criteria had to be demonstrated.—Watson v. Department of Navy, 262 F. 3d 1292, certiorari denied 122 S.Ct. 817, 534 U.S. 1083, 151 L.Ed.2d 700.—Admin Law 412.1.

#### Not “or”

**Words and Phrases 7** (3A W&P, p. 167)

C.A.5 (Tex.) 1988. The word “and” is to be accepted for its conjunctive connotation rather than as a word interchangeable with “or” except where strict grammatical construction would frustrate clear legislative intent.—Bruce v. First Federal Sav. And Loan Ass’n of Conroe, Inc., 837 F.2d 712—Statut 197.

### Or

#### ‘Or’ can be one – does not have to be both

**Webster’s 96** (Revised Unabridged Dictionary, “Or”, http://dictionary.reference.com/browse/or)

1. One of two; the one or the other; -- properly used of two things, but sometimes of a larger number, for any one.

#### Exclusive evidence – ‘or’ means only one

**Quirk 93** (Randolph, Professor of Linguistics – University of Durham, and Sidney Greenbaum, “A University Grammar of English”, http://grammar.ccc.commnet.edu/grammar/conjunctions.htm)

OR To suggest that only one possibility can be realized, excluding one or the other: "You can study hard for this exam or you can fail." To suggest the inclusive combination of alternatives: "We can broil chicken on the grill tonight, or we can just eat leftovers. To suggest a refinement of the first clause: "Smith College is the premier all-women's college in the country, or so it seems to most Smith College alumnae." To suggest a restatement or "correction" of the first part of the sentence: "There are no rattlesnakes in this canyon, or so our guide tells us." To suggest a negative condition: "The New Hampshire state motto is the rather grim "Live free or die." To suggest a negative alternative without the use of an imperative (see use of and [above](http://grammar.ccc.commnet.edu/grammar/conjunctions.htm#above)): "They must approve his political style or they wouldn't keep electing him mayor."

#### “Or” does not mean and

**Words and Phrases 7** (3A W&P, p. 167)

Ct.Cl. 1878. The word “or” in a contract will not be construed to mean “and,” where it connects propositions reasonably in the alternative. Thus, the word in a contract which binds the contractor to supply so many pounds, more or less, as may be required for the wants of certain government stations between a certain time, cannot be construed to mean “and,” and does not entitle the constractor to furnish all the oats which may be needed at the station.—Merriam v. U.S., 14 Ct.Cl. 289, affirmed 2 S.Ct. 536, 107 U.S. 437, 17 Otto 437, 27 L.Ed. 531.

### Or – Means And

#### “Or” means and

**Words and Phrases 7** (3A W&P, p. 167)

C.A.2 (Conn.) 1958. Where words in will are placed in the disjunctive, and intent of testator is clear, word “or” is often construed as “and”.—Hight v. U.S., 256 F.2d 795.—Wills 466.

### Of Definitions

#### -- Related to an object

Oxford Dictionary 10 (“Of”, http://www.oxforddictionaries.com/definition/of?view=uk)

Pronunciation:/ɒv, (ə)v/

preposition

1 expressing the relationship between a part and a whole:

with the word denoting the part functioning as the head of the phrase:the sleeve of his coat in the back of the car the days of the week

#### -- Associated with

AHD 10 (American Heritage Dictionary, “of”, http://education.yahoo.com/reference/dictionary/entry/of)

of (ubrevev, obrevev; schwav when unstressed) [KEY](http://education.yahoo.com/reference/dictionary/pronunciation_key)   
PREPOSITION:

Derived or coming from; originating at or from: customs of the South.

Caused by; resulting from: a death of tuberculosis.

Away from; at a distance from: a mile east of here.

So as to be separated or relieved from: robbed of one's dignity; cured of distemper.

From the total or group comprising: give of one's time; two of my friends; most of the cases.

Composed or made from: a dress of silk.

Associated with or adhering to: people of your religion.

#### -- Belonging to

Collins 10 (Collins English Dictionary, “of”, http://www.collinslanguage.com/results.aspx?context=3&reversed= False&action=define&homonym=-1&text=of)

[of](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=of) prep   
1. [belonging](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=belonging) [to](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=to), [situated](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=situated) [in](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=in) [or](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=or) [coming](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=coming) [from](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=from), [because](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=because) [of](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=of), [the](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=the) [inhabitants](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=inhabitants) [of](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=of) [former](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=former) [East](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=East) [Germany](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=Germany), [I](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=I) [saw](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=saw) [five](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=five) [people](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=people) [die](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=die) [of](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=of) [chronic](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=chronic) [hepatitis](http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=hepatitis),

### Of – Specification

#### “Of” requires specification

Macmillan 10 (Dictionary, “of”, http://www.macmillandictionary.com/dictionary/american/of)

saying which specific thing

a. [used](http://www.macmillandictionary.com/search/american/?q=used) [for](http://www.macmillandictionary.com/search/american/?q=for) [saying](http://www.macmillandictionary.com/search/american/?q=saying) [which](http://www.macmillandictionary.com/search/american/?q=which) [specific](http://www.macmillandictionary.com/search/american/?q=specific) [thing](http://www.macmillandictionary.com/search/american/?q=thing) [belonging](http://www.macmillandictionary.com/search/american/?q=belonging) [to](http://www.macmillandictionary.com/search/american/?q=to) [a](http://www.macmillandictionary.com/search/american/?q=a) [more](http://www.macmillandictionary.com/search/american/?q=more) [general](http://www.macmillandictionary.com/search/american/?q=general) [type](http://www.macmillandictionary.com/search/american/?q=type) [you](http://www.macmillandictionary.com/search/american/?q=you) [are](http://www.macmillandictionary.com/search/american/?q=are) [referring](http://www.macmillandictionary.com/search/american/?q=referring) [to](http://www.macmillandictionary.com/search/american/?q=to)

[I](http://www.macmillandictionary.com/search/american/?q=i) [had](http://www.macmillandictionary.com/search/american/?q=had) [a](http://www.macmillandictionary.com/search/american/?q=a) [feeling](http://www.macmillandictionary.com/search/american/?q=feeling) [of](http://www.macmillandictionary.com/search/american/?q=of) [duty](http://www.macmillandictionary.com/search/american/?q=duty) [toward](http://www.macmillandictionary.com/search/american/?q=toward) [him](http://www.macmillandictionary.com/search/american/?q=him).

[She](http://www.macmillandictionary.com/search/american/?q=she) [seemed](http://www.macmillandictionary.com/search/american/?q=seemed) [to](http://www.macmillandictionary.com/search/american/?q=to) [like](http://www.macmillandictionary.com/search/american/?q=like) [the](http://www.macmillandictionary.com/search/american/?q=the) [idea](http://www.macmillandictionary.com/search/american/?q=idea) [of](http://www.macmillandictionary.com/search/american/?q=of) [having](http://www.macmillandictionary.com/search/american/?q=having) [children](http://www.macmillandictionary.com/search/american/?q=children).

[the](http://www.macmillandictionary.com/search/american/?q=the) [month](http://www.macmillandictionary.com/search/american/?q=month) [of](http://www.macmillandictionary.com/search/american/?q=of) [April](http://www.macmillandictionary.com/search/american/?q=april)

[the](http://www.macmillandictionary.com/search/american/?q=the) [twin](http://www.macmillandictionary.com/search/american/?q=twin) [cities](http://www.macmillandictionary.com/search/american/?q=cities) [of](http://www.macmillandictionary.com/search/american/?q=of) [Minneapolis](http://www.macmillandictionary.com/search/american/?q=minneapolis) [and](http://www.macmillandictionary.com/search/american/?q=and) [St](http://www.macmillandictionary.com/search/american/?q=st). [Paul](http://www.macmillandictionary.com/search/american/?q=paul)

[Todd](http://www.macmillandictionary.com/search/american/?q=todd) [has](http://www.macmillandictionary.com/search/american/?q=has) [the](http://www.macmillandictionary.com/search/american/?q=the) [annoying](http://www.macmillandictionary.com/search/american/?q=annoying) [habit](http://www.macmillandictionary.com/search/american/?q=habit) [of](http://www.macmillandictionary.com/search/american/?q=of) [questioning](http://www.macmillandictionary.com/search/american/?q=questioning) [everything](http://www.macmillandictionary.com/search/american/?q=everything) [I](http://www.macmillandictionary.com/search/american/?q=i) [say](http://www.macmillandictionary.com/search/american/?q=say).

[Synonyms or related words for this meaning of of: more](http://www.macmillandictionary.com/thesaurus/american/of/of_11/Prepositions)

b. [used](http://www.macmillandictionary.com/search/american/?q=used) [for](http://www.macmillandictionary.com/search/american/?q=for) [giving](http://www.macmillandictionary.com/search/american/?q=giving) [a](http://www.macmillandictionary.com/search/american/?q=a) [specific](http://www.macmillandictionary.com/search/american/?q=specific) [age](http://www.macmillandictionary.com/search/american/?q=age), [amount](http://www.macmillandictionary.com/search/american/?q=amount), [value](http://www.macmillandictionary.com/search/american/?q=value), [etc](http://www.macmillandictionary.com/search/american/?q=etc).

[She](http://www.macmillandictionary.com/search/american/?q=she) [met](http://www.macmillandictionary.com/search/american/?q=met) [Charles](http://www.macmillandictionary.com/search/american/?q=charles) [at](http://www.macmillandictionary.com/search/american/?q=at) [the](http://www.macmillandictionary.com/search/american/?q=the) [age](http://www.macmillandictionary.com/search/american/?q=age) [of](http://www.macmillandictionary.com/search/american/?q=of) 20.

[She](http://www.macmillandictionary.com/search/american/?q=she) [was](http://www.macmillandictionary.com/search/american/?q=was) [a](http://www.macmillandictionary.com/search/american/?q=a) [young](http://www.macmillandictionary.com/search/american/?q=young) [girl](http://www.macmillandictionary.com/search/american/?q=girl) [of](http://www.macmillandictionary.com/search/american/?q=of) [no](http://www.macmillandictionary.com/search/american/?q=no) [more](http://www.macmillandictionary.com/search/american/?q=more) [than](http://www.macmillandictionary.com/search/american/?q=than) 13.

[Lynn](http://www.macmillandictionary.com/search/american/?q=lynn) [earns](http://www.macmillandictionary.com/search/american/?q=earns) [a](http://www.macmillandictionary.com/search/american/?q=a) [salary](http://www.macmillandictionary.com/search/american/?q=salary) [of](http://www.macmillandictionary.com/search/american/?q=of) [thirty](http://www.macmillandictionary.com/search/american/?q=thirty) [thousand](http://www.macmillandictionary.com/search/american/?q=thousand) [dollars](http://www.macmillandictionary.com/search/american/?q=dollars) [a](http://www.macmillandictionary.com/search/american/?q=a) [year](http://www.macmillandictionary.com/search/american/?q=year).

[Teachers](http://www.macmillandictionary.com/search/american/?q=teachers) [have](http://www.macmillandictionary.com/search/american/?q=have) [been](http://www.macmillandictionary.com/search/american/?q=been) [asking](http://www.macmillandictionary.com/search/american/?q=asking) [for](http://www.macmillandictionary.com/search/american/?q=for) [a](http://www.macmillandictionary.com/search/american/?q=a) [pay](http://www.macmillandictionary.com/search/american/?q=pay) [raise](http://www.macmillandictionary.com/search/american/?q=raise) [of](http://www.macmillandictionary.com/search/american/?q=of) 4 [percent](http://www.macmillandictionary.com/search/american/?q=percent).

[Synonyms or related words for this meaning of of: more](http://www.macmillandictionary.com/thesaurus/american/of/of_17/Prepositions)

### Of – Whole

#### “Of” means whole

CJS 78 (Corpus Juris Secundum, 67, p. 200)

Of: The word "of" is a preposition. It is a word of different meanings, and susceptible of numerous different connotations. It may be used in its possessive sense to denote possession or ownership. It may also be used as a word of identification and relation, rather than as a word of proprietorship or possession. "Of" may denote source, origin, existence, descent, or location, or it may denote that from which something issues, proceeds, or is derived. The term may indicate the aggregate or whole of which the limited word or words denote a part, or of which a part is referred to, thought of, affected, etc.

### Of – Specified Origin

#### “Of” means derived from

AHD 9 (American Heritage Dictionary, “Of”, http://dictionary.reference.com/browse/of)

of (ŭv, ŏv; əv when unstressed )   
prep.

Derived or coming from; originating at or from: customs of the South.

#### This is a term of exclusion

Nelson 9 (Dorothy W., Circuit Judge – Ninth Circuit of the United States Court of Appeals, “Doe 1, Doe 2, and Kasadore Ramkissoon, on Behalf of Themselves and All Others Similarly Situated, Plaintiffs-Appellants, v. AOL LLC, Defendant-Appellee”, 552 F.3d 1077; 2009 U.S. App. LEXIS 875, 1-16, Lexis)

OVERVIEW: The ISP made publicly available the internet search records of more than 650,000 of its members. Under a service agreement, all customers agreed to a forum selection clause that designated the "courts of Virginia" as the fora for disputes between the ISP and its customers. The ISP contended, and the district court agreed, that the clause permitted plaintiffs to refile their consumer class action in state or federal court in Virginia, but the customers contended the forum selection clause limited them to Virginia state court, where a class action remedy was unavailable; this violated California public policy favoring consumer class actions and rendered the forum selection clause unenforceable. The court held that the use of the preposition "of"--rather than "in"--was determinative and that the forum selection clause referred to the state courts of Virginia only, not the federal courts in Virginia. California had declared by judicial decision the same forum selection clause contravened a strong public policy of California--as applied to California residents who brought claims under California statutory consumer law in California state court.

#### “Of” means of specified origin

Random House 10 (Unabridged Dictionary, “Of”, http://dictionary.reference.com/browse/of)

#### of

1 /ʌv, ɒv; unstressed əv or, especially before consonants, ə/ [dictionary_questionbutton_default](http://dictionary.reference.com/help/luna/IPA_pron_key.html)Show Spelled[uhv, ov; unstressed uhthinspv or, especially before consonants, uh] Show IPA

–preposition

1. (used to indicate distance or direction from, separation, deprivation, etc.): within a mile of the church; south of Omaha; to be robbed of one's money.

2. (used to indicate derivation, origin, or source): a man of good family; the plays of Shakespeare; a piece of cake.

### Of – Term of Exclusion

#### “Of” is a term of limitation

Ellis 53 (Judge Advocate – United States Army, “United States. v. Private Frank Taylor, Jr.”, United States Army Board of Review, 11 C.M.R. 428; 1953 CMR LEXIS 1428, 7-31, Lexis)

Appellate defense counsel argued orally that many facts indicated the United States was not at war, for example: there has been no declaration of war; the Coast Guard is still under the supervision of the Treasury Department instead of the Navy Department as it usually is during war; here in the United States, Armed Forces personnel are allowed to wear civilian clothes during off-duty hours; it is not the policy to try Department of the Army civilians serving with the Army in the field in the United States by courts-martial; the various Army posts throughout the United States are still open to public visitation; many reservists and National Guard units are not on active service; and the Table of Maximum Punishments had not been suspended for offenses committed in the United States. He contended that the ratio of the cases cited in support of the war status of the United States was limited to the locale of the hostilities, Korea and its adjacent [\*\*6]  waters, and was inoperative on offenses committed in the United States. Finally, he anchored his argument on the interpretation to be given the language in Article 43f(1) (post) of the Code. He conceded arguendo that the offense at bar fell within the purview of this language, being a fraud against a United States agency, the Army, but reasoned that the subject language contemplated and embraced only "hostilities as proclaimed by the President or by a Joint Resolution of Congress." With this interpretation the board of review cannot agree. The preposition "of" before the word "hostilities" shows plainly that the phrase "of hostilities" is adjectival, qualifying and limiting the word "termination". The phrase "termination of hostilities" is in turn modified by the participial phrase "as proclaimed." In our interpretation it is the "termination of hostilities" that must be proclaimed, and such proclamation provides the initial date of a three-year period in which the suspension of the statute of limitations continues to operate rather than determines the date of the beginning of the original suspension (emphasis supplied).

**“Of” is exclusive**

Words and Phrases 74 (v. 29)

Word of Exclusion

A deed describing a line as running within four rods of a brook excludes the stread, and means from the side of the stream, and not from the center of it. The word “of”, as well as the word “from”, is used as a term of exclusion. Haight v. Hamor, 22 A. 369, 372, 83 Me. 453.

### Earth

#### “Earth” is our planet---not another

Oxford 14 – Oxford Dictionaries, “Earth”, http://www.oxforddictionaries.com/us/definition/american\_english/earth

NOUN

1 (also Earth) The planet on which we live; the world:

the diversity of life on earth

MORE EXAMPLE SENTENCES

SYNONYMS

1.1The surface of the world as distinct from the sky or the sea:

it plummeted back to earth at 60 mph

MORE EXAMPLE SENTENCES

SYNONYMS

1.2The present abode of humankind, as distinct from heaven or hell.

MORE EXAMPLE SENTENCES

The earth is the third planet from the sun in the solar system, orbiting between Venus and Mars at an average distance of 90 million miles (149.6 million km) from the sun, and has one natural satellite, the moon. It has an equatorial diameter of 7,654 miles (12,756 km), an average density 5.5 times that of water, and is believed to have formed about 4,600 million years ago. The earth, which is three-quarters covered by oceans and has a dense atmosphere of nitrogen and oxygen, is the only planet known to support life

#### 3rd Rock from the Sun

Cambridge 14 – Cambridge Dictionaries Online, “Earth”, http://dictionary.cambridge.org/dictionary/british/earth\_1

earth

noun [S or U] (PLANET) /ɜːθ/ US /ɝːθ/ (also Earth)

B1 the planet third in order of distance from the sun, between Venus and Mars; the world on which we live:

The Earth takes approximately 3651/4 days to go round the sun.

The circus has been described as the greatest show on earth (= in the world).

#### The apostrophe-S means it is possessive---referring to oceans of the Earth

Purdue 14 – Purdue University Online Writing Lab, “The Apostrophe”, https://owl.english.purdue.edu/owl/resource/621/01/

The apostrophe has three uses:

To form possessives of nouns

To show the omission of letters

To indicate certain plurals of lowercase letters

Forming Possessives of Nouns

To see if you need to make a possessive, turn the phrase around and make it an "of the..." phrase. For example:

the boy's hat = the hat of the boy

three days' journey = journey of three days

## Topicality Impacts

### Switching Sides Good

#### Switch Side Debate builds critical thinking skills which are key to foster democratic values and prevent extinction.

**Harrigan 08 [(Casey, Master of Arts in the Department of Communications at Wake Forest University) “A Defense of Switch Side Debate”, 2008,** [**http://wakespace.lib.wfu.edu/bitstream/handle/10339/14746/harrigancd\_05\_2008.pdf**](http://wakespace.lib.wfu.edu/bitstream/handle/10339/14746/harrigancd_05_2008.pdf)**]**

While such pragmatic justifications for SSD are persuasive, they are admittedly secondary to the greater consideration of pedagogy. Although it is certainly true that debate is a game and that its competitive elements are indispensable sources of motivation for students who are otherwise apathetic about academic endeavors, **the overwhelming benefits of contest debating are the knowledge and skills taught through participation. The wins and losses (and marginally-cheesy trophies)**, by and large, are quickly forgotten with the passage of time**. However, the educational values of debate are so fundamental that they eventually become ingrained in the decision-making and thought processes of debaters, giving them a uniquely valuable durability. To this end, SSD is essential.** The benef its of debating both sides have been noted by many authors over the past fifty years. To name but a few, **SSD has been lauded for fostering tolerance and undermining bigotry and dogmatism** (M uir, 1993), **creating stronger and more knowledgeable advocates** (Dybvig and Iversion, 2000) , **and fortifying the social forces of democracy by guaranteeing the expression of minority viewpoints** (Day, 1966). **Switching sides is a crucial element of debate’s pedagogical benefit; it forms the gears that drive debate’s intellectual motor. Additionally, there are social benefits to the practice of requiring students to debate both sides of controversial issues.** Dating back to th e Greek rhetorical tradition, **great value has been placed on the benefit of testing each argument relative to all others in the marketplace of ideas.** Like those who argue on behalf of the efficiency-maximizing benefits of free market competition, it is believed that **arguments are most rigorously tested (and conceivably refined and improved) when compared to all available alternatives. Even for beliefs that have seem ingly been ingrained in consensus opinion or 7 in cases where the public at-large is unlikely to accept a particular position, it has been argued that they should remain open for public discussion and deliberation** (Mill, 1975). **Along these lines, the greatest benefit of switching sides, which goes to the heart of contemporary debate, is its inducement of critical thinking**. Defined as “reasonable reflective thinking that is focused on decidi ng what to believe or do” (Ennis, 1987, p. 10), **critical thinking learned through debate teaches students not just how to advocate and argue, but how to decide as well. Each and every student, whether in debate or (more likely) at some later point in life, will be placed in the position of the decision-maker. Faced with competing options whose costs and benefits are initially unclear, critical thinking is necessary to assess all the possible outcomes of each choice, compare their relative merits, and arrive at some final decision about which is preferable.** In some instances, such as choosing whether to eat Chinese or Indian food for dinner, the im portance of making the correct decision is minor. For many other de cisions, however, the implications of choosing an imprudent course of action are pot entially grave. As Robert Crawford notes, there are “issues of unsurpassed importance in the daily lives of millions upon millions of people...being decided to a considerable extent by the power of pub lic speaking” (2003). Although the days of the Cold War are over, and the risk that “the next Pearl Harbor could be ‘compounded by hydrogen’” (Ehninger and Brockriede, 1978, p. 3) is greatly reduced, **the manipulation of public support before the invasion of Iraq in 2003 points to the continuing necessity of training a well-in formed and critically-aware public** (Zarefsky, 2007). **In the absence of debate-trained critical thinking, ignorant but ambitious politicians and persuasive but nefarious leaders would be much more likely to draw the country, and possibly the world, in to conflicts with incalculable losses in terms of human 8 well-being. Given the myriad threats of global proportions th at will require incisive solutions, including global warming, the spread of pandemic diseases, and the proliferation of weapons of mass destruction, cultivating a robust and effective society of critical decision-makers is essential.** As Louis Rene Beres writes, “with such learning, we Americans could prepare...not as immobilized objects of false contentment, but as authentic citizens of an endangered planet” (2003 ). Thus, it is not surprising that critical thinking has been called “the highest edu cational goal of the ac tivity” (Parcher, 1998). **While arguing from conviction can foster limited critical thinking skills, the element of switching sides is necessary to sharpen debate’s critical edge and ensure that decisions are made in a reasoned manner instead of being driven by ideology. Debaters trained in SSD are more likely to evaluate both sides of an argument before arriving at a conclusion and are less likely to dismiss potential arguments based on his or her prior beliefs** (Muir 1993). In addition, debating both sides teaches “conceptual flexibility,” where decision-makers are more likely to refl ect upon the beliefs that are held before coming to a final opinion (Muir, 1993, p. 290) . Exposed to many arguments on each side of an issue, debaters learn that public policy is characteri zed by extraordinary complexity that requires careful consideration before action. **Finally, these arguments are confirmed by the preponderance of empirical research demonstrating a link between competitive SSD and critical thinking** (Allen, Berkow itz, Hunt and Louden, 1999; Colbert, 2002, p. 82). The theory and practice of SSD has value beyond the limited realm of competitive debate as well. For the practitioners a nd students of rhetoric, understanding how individuals come to form opini ons about subjects and then a ttempt to persuade others is 9 of utmost importance. Although the field of communication has established models that attempt to explain human decision-making, such as the Rational Argumentation Theory and others (Cragen and Shields, 1998, p. 66) , the practice of SSD within competitive debate rounds is a real-world laboratory wh ere argumentative experiments are carried out thousands of times over during the course of a single year-long season. **The theory of SSD has profound implications for those who study how individuals are persuaded, as well as how advocates should go about the process of forming their own personal beliefs and attempting to persuade others.**

### Reasonability/Competing Interps

#### Use reasonability it ensures access to the 1AC and prevents teams from arbitrarily going for T to exclude Affs solidly grounded in lit.

Ryan ‘4

(Andrew B. Ryan, college debater, Wake Forest University, 2004, Reviving Reasonability. The Debaters’ Research Guide, 2004. groups.wfu.edu/debate)

How should the affirmative initiate a discussion about the quality of debate? First, start by defending your own ground. The resolution gives both teams a reasonable expectation of what is topical and affirmatives choose their plan accordingly. The affirmative has a qualified right to their reasonable expectation of the topic: how can affirmatives choose plans if they cannot rely on definitions they have researched that support its topicality? This right isn’t unlimited, however, because the negative is encouraged to debate the affirmative on whether their interpretation of words is supported by grammar, common usage, field context, etc. But, the negative’s right to re-interpret the topic should be limited to consistent and predictable interpretations. Resorting to arbitrary interpretations based on illogical catchphrases unfairly allows the negative to pull the rug out from under the affirmative. Second, affirmatives should talk about what makes a good definition. Are dictionary definitions best? Possibly, as long as you are not dealing with a term of art, such as peacekeeping. What about field context? Shouldn’t a definition of peacekeeping by the head of U.N. Peacekeeping Operations be given more weight than a dictionary definition? Lastly, defining a word in a certain way may be the only way to maintain the grammatical integrity of the resolution. Take the discussion of definitions to another level: move past superficial quantitative discussions of limits and speak directly to the educational benefits and disadvantages of each side’s definition. Third, don’t be afraid to talk about debate’s purpose. It is a competitive game, but one that should always be based on reason and logic. If what a team does enables illogical arguments to determine the outcome of the debate, then regardless of what unlimited topic the affirmative may allow, it is still better to vote affirmative than eschew reason. Reasonability is important because strict adherence to comparing competing interpretations based on offense/defense types of theories allows the negative to the make the perfect the enemy of the good. Fourth, a reasonability paradigm would help affirmatives to redefine the role of the judge. One of the central negative objections to reasonability interpretations is that they encourage judge intervention because the judge is left without a coherent standard to determine which interpretations are best. Affirmatives can flip this argument on the negative, however, by arguing that the offense/defense and competing interpretations paradigm exceeds the jurisdictional role of the judge. Traditionally, negatives argued that jurisdiction was a voting issue because judges could not vote to endorse a non-topical affirmative. The negative age calls for a judge to act as an arbiter of competing interpretations. That exceeds the role of the judge, however, because the negative is no longer demonstrating the affirmative is non-topical; rather they are only demonstrating that an interpretation that excludes the affirmative is comparatively better for debate. Topicality is a gateway issue which is meant to ensure that both sides have adequate ground for debate: if both interpretations provide similar quantity and quality of ground, then judges should dispense with topicality and allow the policy debate to begin.

#### Reject the argument, not the team

Solt ‘2

(Roger E. Solt, Debate Coach at the University of Kentucky, “Theory as a Voting Issue: The Crime of Punishment”, 2002 - Mental Health Policies: Escape from Bedlam?, 2002, http://groups.wfu.edu/debate/MiscSites/

DRGArticles/DRGArtiarticlesIndex.htm)

First, the attempt to achieve favorable time tradeoffs is a ubiquitous practice in current debate. It is behind the practice of making multiple answers to a given argument. It strongly influences the number of positions the negative team will advance in the 1NC. It is behind the decision to start all of the major negative positions in the 1NC. It dictates how many positions will be extended through the block. It generally controls the decision about whether or not the affirmative should “straight turn” one or more disadvantages. Even the employment of punishment arguments is generally based on the desire to secure a favorable time exchange. It seems silly to single out a few particular instances of this universal practices and say that they are voting issues, when the whole of debate is saturated with strategic time considerations. Second, forcing teams to make strategic choices does have educational value. Debaters are forced to judge which their best arguments are and be selective about what they will extend. Third, punishment arguments constitute a self-inflicted coverage injury. It takes time, sometimes considerable time, to argue that a certain approach has distorted your time allocation. If debaters didn’t defend punishment, they would have more time to answer other arguments. Fourth, time skews are often minimal. It is quite common for an issue which occupied literally seconds of the debate to still be tagged as a voting issue. In cases like this, the overall integrity of the round would certainly be maximized by simply rejecting the particular argument rather than the team that made it. Fifth, teams defending a problematic theory almost always invest some time in advancing that position and in extending it. Time spent answering the time skew argument serves to redress the injury. Sixth, there are other means of redress rather than the ballot. If some other issue was radically undercovered due to the alleged time skew, the judge could allow new answers on that issue. Finally, seventh, time skew arguments directed against the affirmative seem especially dubious. The structure of the debate places particular time pressures on the affirmative. The luxury of the negative block should give the negative ample time to answer pretty much whatever the 2AC says. (New 1AR answers do pose a different and more legitimate concern from the standpoint of time allocation issues.)

#### Default to reasonability competing interpretations compromises substantive discussion – 6 warrants

Solt ‘2

(Roger E. Solt, Debate Coach at the University of Kentucky, “Theory as a Voting Issue: The Crime of Punishment”, 2002 - Mental Health Policies: Escape from Bedlam?, 2002, http://groups.wfu.edu/debate/MiscSites/

DRGArticles/DRGArtiarticlesIndex.htm)

The first main argument I would make against punishment is that it exaggerates theory. One view of debate is that it is just a game and that theory is as worthwhile to debate as anything else. In contrast is the view that I would defend: that debate has a substantive intellectual content which it is far more worthwhile to learn about than it is to learn about debate theory. Debate teaches us a great deal about current events and principles of policy analysis, about political theory, political philosophy, and practical politics, about medicine and law, ethics and epistemology. It teaches both problem solving and the criticism of underlying assumptions. And it teaches many other things as well. People disagree about which of these areas of inquiry is most important, but any and all of these subjects are of more intrinsic significance than debate theory. I write this as someone who finds debate theory interesting. Nor do I think that we can get along without debate theory. Nor should we. Theory is basically a set of meta-arguments, arguments about arguments and about the standards for argument. We could set these standards by authoritative edict (a rulebook) or by convention. But on many theory questions there is widespread disagreement and hence no dominant convention. And in the absence of a prevailing convention there is unlikely to be an authoritative rulebook which could be adopted or accepted. We have come, over the past quarter of a century, to think that these are things which debaters can and should argue about. And I accept this general outlook. But even if we neither want to nor can entirely avoid theory argument, it should not be a central focus of the activity. Yet this is precisely what punishment argument make it. Rather than the criteria for the evaluation of arguments, theories come to be ends in themselves, the pivotal issues on which the debate centrally turns. This seems misguided. The knowledge gained in debate has many uses in later life, but surely the least useful body of knowledge which debate teaches is debate theory. For those of us who stay in the activity for a long time, it is interesting. We want to sort out in a consistent and satisfying way the principles of our activity. But that still does not make it a very intrinsically important body of knowledge. I think that we sometimes confuse debate theory with argument theory. I am not arguing that argumentation is not a valid and useful field of thought. And argument theory may intersect with what we commonly think of as “debate theory” at a variety of points. But the vast bulk of debate theory, as argued in competitive debate rounds, really just involves what are appropriate conventions for this particular activity—a contest, sponsored by educational institutions, with a certain format and certain conventions. Are conditional counterplans legitimate? Are plan inclusive counterplans legitimate? Are international counterplans legitimate? Should we assume that the “fiat” of the affirmative plan comes immediately or only after a normal implementation process? Must the affirmative specify an agent? These are the staples of debate theory argument. Especially they are the kinds of issues which most invoke punishment claims. And none of them has particular salience outside the framework and format of contest debate. Of course, it is possible to relate some of these arguments to intellectual controversies beyond competitive debate. For example, a focus on international institutions distinguishes liberalism from realism as foreign policy paradigms. But the debate over international fiat does not draw very heavily on this paradigmatic controversy. And our arguments within competitive debate over the propriety of international fiat does next to nothing to illuminate the liberalism/realism debate within international relations. Arguments over debate theory are reminiscent of the debates of the medieval scholastic philosophers. Rather than arguing about how many angels can dance on the head of pin, we argue about how many intrinsicness arguments can dance on the head of a conditional counterplan. To Aquinas and company, the relationship of pins and angels was interesting and meaningful. Questions of fiat and conditionality matter to us. But only within the narrower confines of the academic debate activity. Once you leave debate, these issues won’t matter to you. So if the focus on punishment serves to make these kinds of arguments more central and other, more exportable forms of knowledge more marginal, then punishment does an intellectual disservice to the students debate is intended to teach. My second main argument is that, empirically, punishment arguments produce bad, anti-educational debate. Punishment arguments are almost always made badly. They are simply tag lines, especially at the impact level. (“This is a voting issue for reasons of fairness and education.”) There are two dominant incentives for labeling an objection to a given theory or practice a voting issue. The first is the “cheap shot” motive. The “independent voter” may get lost in the shuffle, and you may come out with an easy win. I doubt that anyone really thinks that this process of learning to “out tech” your opponent is an important part of debate’s educational mission. Second, by labeling an argument a voting issue, debaters hope of secure a favorable time tradeoff. If an argument is a voting issue, it has to be taken more seriously, even if it is not intrinsically of much substantive importance. Again, in this instance, the punishment argument serves as an element in the tactics of time tradeoff. This is part of the debate game, but it is not a very important part of what debate should teach. As extended, punishment arguments again tend to be a series of tag lines. This is generally true in the negative block, and it is almost always true (because of intense time pressures) in the 1AR and 2NR. If the 2AR chooses to go for a punishment argument, s/he may be more articulate and explanatory. But this generally means that a lot of new arguments are being made, or at least being given flesh from the bare skeleton of assertion, and this raises fairness concerns of its own. Of course, some theory debates are better than others. And I can imagine a world in which theory is debated more clearly and coherently than it generally is in the world of contemporary debate. But the experience of a quarter century of theory debates does not encourage me to think that we will enter that Promised Land any time soon. And “better” theory debates would have to occur in a more thorough and time-consuming fashion than those which occur today. And this would exaggerate the problem of diverting time from more substantive intellectual concerns. My third argument is that the punishment of voting on theory is almost always disproportionate. To me this seems almost true by definition. Someone advances a “bad” argument. They lose that argument. It is not a decisive argument in terms of the substantive logic of the debate, be that a policy logic, a discursive logic, or a critical logic. But instead of just losing that argument, with whatever logical, limited impact that may have in the round, the team which advanced the “bad” argument suddenly is supposed to lose the whole debate. In other words, every other issue in the round, all of the policy arguments, all of the critical arguments, all of the discursive arguments become moot. They no longer matter and they need not be resolved because one theory argument has been lost. Beyond my intuitive sense that this is disproportionate, I have two other arguments for why voting on theory is excessive. First, the theories debaters most want to punish are not really that egregious. Punishment claims are most commonly raised against the following practices: conditional counterplans, partially plan inclusive counterplans, permutations against kritiks, extra-topical plan planks, non-specification of agent by the affirmative, and a range of affirmative and negative fiat issues. I personally favor some of these positions, and I oppose others. But I recognize that there are “pretty good” arguments in favor of both sides with regard to all of these issues. In other words, they are all, relatively speaking, “close calls.” Or, to put it still another way, there are thoughtful members of the competitive debate activity for whom each of these practices makes sense and others for which they do not. On none of these issues is there a theoretical consensus. And all have been widely employed without “destroying debate.” This is not to say that these practices are not fair game for argument. They are. But none is so abusive within the context and conventions of debate as we know it that it needs to be an automatic voting issue. Losing the argument ought to be punishment enough. Nor do we need punishment to deal with theories which the consensus of the activity rejects. The difficulty of winning on counterwarrants or alternative justifications or plan/plan has easily been enough to discourage these practices. Second, the debate over a given theory issue is, by the end of the round, generally close. Each team has its list of brief, blippy reasons to prefer one theory stance or another. Typically, the two lists are opposed to each other, via a process of grouping, and without clear, on-point clash. Usually both sides drop one or more arguments made by their opponents. So again, typically speaking, judges can almost always find grounds to resolve a given theory debate either way, and they generally do so based on their own biases. In this situation, it once again seems to be enough that one side is penalized by losing the particular theory position. A slight edge to one team over the other shouldn’t translate into the critical issue in the round. This is especially true when, as is often the case, the particular theory issue at stake has occupied a fairly small percentage of the total time which the debate occupied. My fourth major argument against punishment is that it is intolerant. All judges have biases which they are only partially successful at screening out. And perhaps oddly, judges often seem less able to set aside their theory biases than their biases on substantive issues. As I noted above, judges can generally justify voting either way on a given theory argument in most rounds. At least if both sides are putting up a decent fight, this is the case. If a position is conceded, most judges will behave accordingly, though even here there are exceptions. And sometimes there will be such a clear preponderance of argument that judges are unable to find their way back to their own theory predispositions. But with two reasonably skilled teams, it is generally possible to resolve a given theory issue either way, so most judges, most of the time, end up endorsing the theory position which they prefer. This may be an unfortunate fact about judges, and it certainly applies to some judges more than to others, but it is a real tendency. It is hardly controversial to say that judges have biases. But the problem with punishment, in light of this fact, is that voting on theory empowers those biases. Instead of creating a strategic slant, the bias becomes all-decisive. What we should recognize, I think, is that different people can and do legitimately hold different concepts of what debate should be about. If one side appeals to our theory preferences and the other side does not, it is not unreasonable to expect that the side whose views we embrace will win the debate over a particular issue more often. But it is intolerant to rule the other side completely out of order, to decide the whole debate based on this one issue, just because they have gotten on the wrong side of one of our theoretical predispositions. A fifth problem with punishment is its arbitrariness. Punishment aims at abusive practices. But abuse clearly falls on a continuum. And the line at which sufficient abuse exists to justify a ballot is inevitably arbitrary. Is a ten second time distortion enough to vote on? A ten-minute time distortion? Or where in between? This situation is further complicated by the fact that one never knows just how the team invoking punishment would have allocated its time absent the problematic practice. Claims that they had wonderful arguments which time constraints prevented them from running should be viewed with a good deal of skepticism. Sometimes arbitrary lines must be drawn. But especially when debate’s equivalent of the death penalty is involved, that arbitrariness should occasion concern. My final argument is that punishment snowballs. Once the punishment paradigm is embraced, a likely consequence is what Ross Smith has called “voting issue proliferation.” Anything can be labeled as a voting issue. And, indeed, the use of theory as a voting issue has helped to create a class of debate “cheap shot artists” who systematically employ punishment strategies. Losing on cheap shots is infuriating for debaters and coaches, and it is frustrating for many judges to vote on them. They certainly don’t make debate a more educational activity. And the teams and debaters who rely on them the most are probably the biggest losers in educational terms.

#### Competing interpretations is key to deterring future abuse and rectify in round unfairness.

Solt ‘2

(Roger E. Solt, Debate Coach at the University of Kentucky, “Theory as a Voting Issue: The Crime of Punishment”, 2002 - Mental Health Policies: Escape from Bedlam?, 2002, http://groups.wfu.edu/debate/MiscSites/

DRGArticles/DRGArtiarticlesIndex.htm)

In Sigel 1, there are four major arguments presented in favor of punishment. The first argument was fairness. Certain theories and practices were said to be unfair to opposing debaters. And it is not enough just to reject these practices; they may so skew the round that only voting against the team which employed them can redress competitive equity. The second argument was education. Sigel invoked the view that the judge should serve as an educator. Part of his or her role as an educator is to discourage bad arguments. Unfair theories and tactics may also serve to undercut the educational quality of the debate experience. The third argument was deterrence. Losing debates, Sigel argued, is a powerful inducement for people to change their ways. Debaters are, for the most part, rational animals, and they will respond to strong competitive incentives. Sigel’s fourth rationale for punishment was argument responsibility. Punishment with the ballot makes debaters highly responsible for their arguments. And debate, he claimed, should teach debaters to argue responsibly.

#### **Reasonability collapses into competing interpretations, if we win our interp creates a better topic than theirs should be considered unreasonable.**

Mancuso ‘82

(Steve Manusco, Debater for University of Kentucky, Wake Forest University, 1982, Topicality: In Search of Reason. The Debaters’ Research Guide, groups.wfu.edu/debate)

In recognition of the many possible definitions of a word, the debate community has adopted (original mother and father unknown) the convention that the affirmative definition only needs to be "reasonable." This burden traditionally stands opposed to the notion that the affirmative must have the best definition of a word, or even necessarily a better definition than the negative. While the initial theoretical underpinnings for such a convention are far from clear, it must certainly he justified on the grounds that it promotes the objective of quality debating. Such a convention recognizes that a definition is not right or wrong, but merely acceptable or unacceptable in a given situation. In situations where broad interpretations of a topic are desirable, a broader-than usual definition may be reasonable, and where a narrow interpretation is desirable, narrow definitions may be reasonable. Such a simplified view of reasonability is not justified in the face of the recent uses and abuses of such a convention. The relevant question is: What does it mean to be reasonable? Again, courts and legislators may have their own definitions of "reasonable," but they may not be at all useful for the functioning of the term in debate. To state that a court has been unable to define the word "reasonable" only means that in that particular context it was difficult, not that such a finding should be accepted as proof that we cannot come up with a workable concept of reasonability for our purposes. Of course, someone who has listened to a few debates concerning "reasonability" may find great sympathy with such a court the concept has taken on very diverse forms, to say the least, in its varied uses. On one extreme, teams have argued that as long as they were not "absurd" in defining their terms, they were reasonable, and some teams have argued that because their definition *exists* they are some how reasonable. On the other end of the definitional continuum, some interpretations of reasonability have been very restrictive. Some teams have argued that only the best definition is reasonable--that it shows little reason to accept an inferior definition. Clearly there has been quite a bit of disagreement as to what is entailed by a "reasonable" definition. Some debate critics have responded to this dispute by throwing up their arms and calling for the abandonment of the concept of reasonability as a topicality convention altogether. While it is very easy to respect and have empathy with such sentiment, it seems prudent to attempt a less radical solution by constructing a more useful and practical convention of reasonability without ""piffing" the concept in its entirety. I would suggest two steps in construction of a workable reasonability convention. First, we must agree upon what makes a definition acceptable. Keeping in mind the goal of high quality debating, two criteria necessary for an acceptable definition should be (1) Does it tend toward focusing debates on timely and relevant policy advocacy? and (2) does it allow the negative sufficient ability to be prepared in both analysis and research? A definition which failed to meet either of these goals would not seem to he an acceptable approach to interpretation. Secondly, the actual debate over topicality should center on the question of whether or not the affirmative interpretation actually did meet both of these criteria. In this sense, the "threshold" for when a definition became "reasonable" would be raised well above the currently less rigorous approaches, yet not overly restrict the affirmative initial and presumptive right to define its terms. The burden would be on the affirmative to explain, wren challenged, the implications of its definition, thus reviving the concept of an affirmative burden on topicality, without making the burden prohibitively heavy by making them refute any conceivable negative alternative definition. In an effort to supplement the convention of "reasonability," "standards" of definition have been offered which the affirmative should meet in order to be considered reasonable. These standards could potentially be used to discern whether or not the affirmative approach met the above two criteria.

### Depth/Breadth/Limits

#### Depth outweighs breadth.

Tai et al ‘8

Tai et al 08 [(Robert) Curriculum, Instruction, and Special Education Department, Curry School of Education) “Depth Versus Breadth: How Content Coverage in High School Science Courses Relates to Later Success in College Science Course work” 2008]

The baseline model reveals a direct and compelling outcome: teaching for depth is associated with improvements in later performance. Of course, there is much to consider in evaluating the implications of such an analysis. There are a number of questions about this simple conclusion that naturally emerge. For example, ho w much depth works best? What is the optimal manner to operationalize the impact of depth-based learning? Do specific contexts (such as type of student, teacher, or school) moderate the impact of depth? The answers to these questions certainly suggest that a more nuanced view should be sought. Nonetheless, this analysis appears to indicate that a robust positive association exists between high school science teaching that pro v ides depth in at least one topic and better performances in introductory postsecondary science courses. Our results also clearly suggest that breadth-based learning, as commonly applied in high school classrooms, does not appear to offer students any advantage when they enroll in introductory college science courses, although it may contribute to higher scores on standardized tests. However, the intuitive appeal of broadly surveying a discipline in an introductory high school course cannot be overlooked. There might be benefits to such a pedagogy that become apparent when using measures that we did not explore. The results regarding breadth were less compelling because in only one of the three disciplines were the results significant in our full model. On the other hand, we observed no positive effects at all. As it stands, our findings at least suggest that aiming for breadth in content coverage should be avoided, as we found no evidence to support such an approach.

#### Limits are k2 clash and in depth discussion.

**Hardy 10**

(Aaron T. Hardy, Coach at Whitman College, “CONDITIONALITY, CHEATING COUNTERPLANS, AND CRITIQUES: TOPIC CONSTRUCTION AND THE RISE OF THE “NEGATIVE CASE””, Contemporary Argumentation & Debate, 2010, pg. 44-45, [http://www.cedadebate.org/cad/index.php/CAD/article/view File/271/243](http://www.cedadebate.org/cad/index.php/CAD/article/view%20File/271/243))

First, narrow topics are more likely to encourage substantive clash. One of the primary motivations for negative teams running away from engagement with the specifics of the affirmative is fear of “falling behind” in the necessary research effort. On a topic with 200 topical affirmative plan mechanisms, it is extremely unlikely that all but the most precocious of negative teams will be prepared to debate each one, and much more likely that they will turn instead to as generic of an approach as possible. Despite sentiments from some corners that the topic writing process is already too narrow and specialized, I would submit that the debate community has not yet truly experimented with what a radically narrower topic might entail. Even the smallest topics in recent memory have afforded the affirmative an incredible amount of flexibility, usually as a compromise to the “broad topics good” camp. A quick perusal of any of the archived case lists from the past decade reveals that even the narrowest topics the community has debated have entailed dozens (if not hundreds) of discrete affirmatives. Instead, envision as a potentially hyperbolic example, a topic with truly only to prepare a truly in-depth take on each one. Chosen in concert with the right literature base, perhaps the word “stale” could be replaced with “nuanced,” even if debates superficially resemble each other as the year progresses.

#### Limits means your case needs to be predictable

Kupferberg ‘87

Eric Kupferbreg, University of Kentucky 1987 “Limits - The Essence of Topicality”

<http://groups.wfu.edu/debate/MiscSites/DRGArticles/Kupferberg1987LatAmer.htm>

If one considers the purpose of topicality--to initiate a meaningful discussion with sufficient prior notice and adequate ground for both sides--then the questions of delimitation become the focus of topicality standards. Both 'reasonability' and 'best definition' claim to enhance the debate process--the former by providing adequate ground for affirmative case areas and the latter by preventing an unreasonable run-a-way topic.¶ I am not suggesting that limits should be the only test for topicality. If this were sole criteria, teams could argue that inherently limited topics are superior, hence, negatives win because their definition excludes the affirmative (there's always a competitive incentive to limit the affirmative out of the round). Obviously, limits for limits sake is arbitrary as well as abusive. However, debatable limits are clearly desirable. What are these 'debatable limits'? Here are some relevant questions that if answered carefully might help to create criteria for debatable limits:¶ 1) Are there fair number of cases that would be topical? An interpretation that overlimited the resolution would be as inappropriate as one which unlimited the topic. An entire year of debating a single case or 300 cases would be neither educational or enjoyable. An interpretation that allowed somewhere between 20 and 40 cases might be acceptable to most participants in the activity.¶ 2) Is the interpretation open to innovation? Part of the intrigue of debating the same topic year round is the competitive incentive for affirmatives to seek new slants. A debatable interpretation should allow for new cases--although they would be chosen from a predictable range of areas. A debatable limit should not force an overly static topic.¶ 3) Does the interpretation fit within some scope of the field context? While not suggesting that we should rely on field contextual definitions alone, an interpretation of the topic should bear some resemblance to the topic area. It would be almost axiomatic to suggest that a definition of 'agricultural' last year should lend itself to cases that are relevant to real world agricultural issues.¶ 4) Does the interpretation allow for some degree of prior notice? A debatable limit is one where a large number of topical cases are to be anticipated by the general debate community. This is not to imply that surprise 'squirrels' should be prohibited, only that definitions should encompass what a large portion of the debate circuit is running.

#### Limits destroy creative thinking – innovation results from breaking rules and challenging dominate modes of thought.

Clark 07

[(Brian, CEO and founder of Coppyblogger Media) “Do You Recognize These 10 Mental Blocks to Creative Thinking?”, Coppyblogger, 9/18/07]

Whether you’re trying to solve a tough problem, start a business, get attention for that business or write an interesting article, creative thinking is crucial. The process boils down to changing your perspective and seeing things differently than you currently do. People like to call this “thinking outside of the box,” which is the wrong way to look at it. Just like Neo needed to understand that “[there is no spoon](http://www.donnarose.com/Spoon.html)” in the film *The Matrix*, you need to realize “there is no box” to step outside of. You create your own imaginary boxes simply by living life and accepting certain things as “real” when they are just as illusory as the beliefs of a paranoid delusional. The difference is, enough people agree that certain man-made concepts are “real,” so you’re viewed as “normal.” This is good for society overall, but it’s that sort of unquestioning consensus that inhibits your natural creative abilities. So, rather than looking for ways to *inspire* creativity, you should just realize the truth. You’re already capable of creative thinking at all times, but you have to strip away the imaginary mental blocks (or boxes) that you’ve picked up along the way to wherever you are today. I like to keep this list of 10 common ways we suppress our natural creative abilities nearby when I get stuck. It helps me realize that the barriers to a good idea are truly all in my head. 1. Trying to Find the “Right” Answer One of the worst aspects of formal education is the focus on the correct answer to a particular question or problem. While this approach helps us function in society, it hurts creative thinking because real-life issues are ambiguous. There’s often more than one “correct” answer, and the second one you come up with might be better than the first. Many of the following mental blocks can be turned around to reveal ways to find more than one answer to any given problem. Try reframing the issue in several different ways in order to prompt different answers, and embrace answering inherently ambiguous questions in several different ways. 2. Logical Thinking Not only is real life ambiguous, it’s often illogical to the point of madness. While critical thinking skills based on logic are one of our main strengths in evaluating the feasibility of a creative idea, it’s often the enemy of truly innovative thoughts in the first place. One of the best ways to escape the constraints of your own logical mind is to think [metaphorically](http://www.copyblogger.com/become-a-master-of-metaphor-and-multiply-your-blogging-effectiveness/). One of the reasons why metaphors work so well in communications is that we accept them as true without thinking about it. When you realize that “truth” is often symbolic, you’ll often find that you are actually free to come up with alternatives. 3. Following Rules One way to view creative thinking is to look at it as a destructive force. You’re tearing away the often arbitrary rules that others have set for you, and asking either “why” or “why not” whenever confronted with the way “everyone” does things. This is easier said than done, since people will often defend the rules they follow even in the face of evidence that the rule doesn’t work. People love to celebrate rebels like Richard Branson, but few seem brave enough to emulate him. Quit worshipping rule breakers and start breaking some rules. 4. Being Practical Like logic, practicality is hugely important when it comes to execution, but often stifles innovative ideas before they can properly blossom. Don’t allow [the editor](http://www.copyblogger.com/copywriting-curse/) into the same room with your inner artist. Try not to evaluate the actual feasibility of an approach until you’ve allowed it to exist on its own for a bit. Spend time asking “what if” as often as possible, and simply allow your imagination to go where it wants. You might just find yourself discovering a crazy idea that’s so insanely practical that no one’s thought of it before. 5. Play is Not Work Allowing your mind to be at play is perhaps the most effective way to stimulate creative thinking, and yet many people disassociate play from work. These days, the people who can come up with great ideas and solutions are the most economically rewarded, while worker bees are often employed for the benefit of the creative thinkers. You’ve heard the expression “work hard and play hard.” All you have to realize is that they’re the same thing to a creative thinker. 6. That’s Not My Job In an era of hyper-specialization, it’s those who happily explore completely unrelated areas of life and knowledge who best see that everything is related. This goes back to what ad man [Carl Ally](http://www.copyblogger.com/how-to-write-remarkably-creative-content/) said about creative persons—they want to be *know-it-alls*. Sure, you’ve got to know the specialized stuff in your field, but if you view yourself as an explorer rather than a highly-specialized cog in the machine, you’ll run circles around the technical master in the success department. 7. Being a “Serious” Person Most of what keeps us civilized boils down to conformity, consistency, shared values, and yes, thinking about things the same way everyone else does. There’s nothing wrong with that necessarily, but if you can mentally accept that it’s actually nothing more than groupthink that helps a society function, you can then give yourself permission to turn everything that’s accepted upside down and shake out the illusions. Leaders from Egyptian pharaohs to Chinese emperors and European royalty have consulted with *fools*, or court jesters, when faced with tough problems. The persona of the fool allowed the truth to be told, without the usual ramifications that might come with speaking blasphemy or challenging ingrained social conventions. Give yourself permission to be a fool and see things for what they really are. 8. Avoiding Ambiguity We rationally realize that most every situation is ambiguous to some degree. And although dividing complex situations into black and white boxes can lead to disaster, we still do it. It’s an innate characteristic of human psychology to desire certainty, but it’s the creative thinker who rejects the false comfort of clarity when it’s not really appropriate. Ambiguity is your friend if you’re looking to innovate. The fact that most people are uncomfortable exploring uncertainty gives you an advantage, as long as you can embrace ambiguity rather than run from it.